

ILA NEWSLETTER

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Contents

FROM THE EDITOR: Professor J. Craig Barker

Welcome to this bumper edition of the ILA Newsletter. The majority of the issue is given over to the recent Biennial Conference in Toronto which, by all accounts, was one of the most successful ever. Reading Bruce Mauleverer's excellent summary of the Conference makes me regret even more the fact that other commitments prevented me from attending the Conference. I am sure that many of you who were also unable to attend will feel the same way.

In addition to the Conference Summary and the address of Professor Karl-Heinz Böckstiegel which is reproduced in full, this issue also contains the usual report from the Executive Committee and news from the various ILA Committees. The issue contains a report of the Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Conference on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks as well as an account of the ILA Polish Branch's interdisciplinary water resources law seminar held in Warsaw in February. A number of Branches have submitted reports of their activities during the course of the current year giving a flavour of the many and varied activities that are taking place throughout the world under the auspices of the International Law Association. Finally, there are tributes and announcements of forthcoming events.

I am extremely grateful to all of those individuals who have submitted material for this issue. I am intending to produce the next issue of the newsletter during the course of November and would ask that any material for inclusion is sent to me at j.c.barker@sussex.ac.uk or to Juliet Fussell at ILA Headquarters on info@ila-hq.org

SUMMARY OF 72nd CONFERENCE – TORONTO 4 – 8 June 2006

The two conference Chairs, **Professor Janet Walker and Barry Leon** wrote in their welcome note to participants and guests: "Toronto is a vibrant and friendly city; and it is one of the most culturally diverse cities in the world. ... We hope that this will be one of the most memorable ILA Conferences ever." Their hope has clearly been fulfilled in abundance.

The 72nd ILA Conference (at <http://www.ila2006.org/>), the first to be hosted in Canada since the Montreal Conference of 1982, was held in the magnificent surroundings of The

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Fairmont Royal York Hotel. The 1,100 room hotel (now closer to 1400 rooms) was opened on 11 June, 1929, and at that time was considered an architectural masterpiece, rising 28 stories above Front Street in the heart of the city. It was the flagship of the Canadian Pacific Railway chain and has accommodated four successive generations of the British Royal Family, including King George VI, Queen Elizabeth II, Prince Charles, Prince Andrew and Prince Edward. The list of internationally famous guests spans from Winston Churchill to Liberace; from the Dalai Lama to Frank Sinatra. What better place to hold such an auspicious conference!

At the Opening Ceremony on Sunday afternoon, 4 June, the Conference banner proclaimed: "The World is Here." That seemed literally true as the more than 800 delegates and accompanying persons packed the enormous Concert Hall. Those on the podium were: The Rt Hon the Lord Slynn of Hadley, Chairman of the ILA Executive Council; The patron of the Conference, the Right Honourable Adrienne Clarkson PC CC CMM, the Former Governor General of Canada; Professor Karl-Heinz Böckstiegel, the outgoing President of the ILA; Mr Milos Barutciski, the President of the Canadian Branch and the Incoming President of the ILA; Professor Janet Walker and Mr Barry Leon, the Co-Chairs of the Conference; and Mr Brian Tabor QC, President of the Canadian Bar Association.

The Conference was opened with a prayer given by a First Nations Elder. In approximate translation from the Iroquois, he offered thanks to the great creator and greetings to all those gathered together. He spoke of the Earth Mother who gave us sustenance; the Thunders that bring us rain; the Elder Brother, the Sun; and the Grandmother, the Moon. He thanked the stars for fulfilling their perennial duty; and prayed that we would be kept safe until we returned to our homes.

The Elder was followed by a brightly coloured feathered dance troop – the Lost Dancers and Smoothtown Singers and Drummers from the Six Nations of the Grand River Territory. Amongst their number were a group of very small children who delighted us all with their vigorous Pow Wow dance.

Janet Walker and Barry Leon together introduced the speakers and

the Conference agenda. They welcomed all those present and emphasised the importance of face to face dialogue on issues of global significance in an increasingly globalised world. They said that International Law was now part of the practice of every professional around the world, in Securities, in Mergers and Acquisitions, in Tax, in Competition, and in legal disputes and arbitration. They highlighted the important contributions made by the ILA in international jurisprudence; and noted that numerous references had been made to the work of the ILA in the Supreme Courts of Canada, the United States and the United Kingdom (the House of Lords). They introduced the ILA Committees and Study Groups; the Complementary Programme; the Young Lawyers' Programme; the Programme on the Rights of Indigenous Peoples; and the Keynote Speakers (Dr Hans Blix, Cherie Booth QC, Lech Walesa and His Excellency Philippe Kirsch); and other leading speakers in public and private international law from around the world. They paid tribute to the many generous sponsors of the Conference. In the Exhibition Area on the Conference level stood a tangible sign of Audi, one of the sponsors -- the new glamorous Audi RS4 – in bright yellow. They welcomed all the delegates and guests, who included senior members of the Canadian judiciary and government.

Lord Slynn said: "It seems no time since we were together at our closing session in Berlin; and now it is my pleasure on behalf of the ILA to welcome you to the 72nd ILA Conference, the 72nd since 1873. When I came to Toronto five years ago to discuss with the then President of the Canadian Branch, Mr Harry Bloomfield QC and Professor Walker whether there could be a conference in Canada, it seemed an exciting prospect: it is now an exciting reality; and we have a new President. The Full Council has just elected Milos Barutciski to be the next President of the ILA. As Chairman of the Executive Council I congratulate him upon his election; and I look forward to working with him (as I have with his predecessor Professor Böckstiegel, Professor Torsten Stein and others of the German Branch). I pay tribute to all who have done so much to make this conference possible and to take care of the many details of organisation and administration. The team (led by the Canadian branch President, Milos Barutciski, together with Professor Janet Walker and Barry Leon)

have worked incessantly and enthusiastically to put together a programme, to raise finance, to organise our hotels and a most agreeable social programme. They and their colleagues at the ILA Secretariat, Juliet Fussell and her assistant Natalie Pryer and those who do so much in the background – like Christopher Ward, the editor of the Conference Report and the Conference Consultants, Judy Lane -- deserve our warmest thanks.

It is a full programme – reflecting the many aspects of international law which are currently important. I mention, for example, the recent attention which, as so successfully in Berlin, has been given to arbitration and international trade law. The complementary programme reflects many important topics of great interest, without diminishing (and nothing should diminish) the work of our Committees between Conferences and their reports and our Resolutions at Conferences. It is the latter which provides the continuity, the cement, of ILA activities, and which for many decades has meant that the ILA has been recognised outside the ILA membership as giving a lead in the development of international law.

All these topics reflect the continuing vitality of the ILA's scientific work: one need only to look back at the topics of earlier conferences – but our biennial meetings reflect the global composition of our membership; and since I became Chairman, it has been my firm conviction that we should get around the world – and so we have – Warsaw, the Gold Coast of Australia, Cairo, Helsinki, Buenos Aires, Delhi, London, Berlin and today Toronto. But soon Brazil, the Netherlands, Bulgaria, Japan (an invitation for 2014 that we have accepted today). How could we be seen as more globally present and representative?

But no less has been the growing importance of our regional conferences – Hungary, Taiwan, Brazil, and now a proposal which I have just received to hold a regional conference in South Africa in September, 2007 if we would like it. I intend to say that we would like it very much. A tentative proposal for India in 2009 has already been mentioned.

It is not easy to finance and keep afloat and vigorous an international organisation. Like so many others we've had problems and blips – with regard to finance and membership numbers. But

thanks to our Treasurer, Willem Hamel, and our Secretary, Juliet Fussell, our finances appear to be stable or even better. We have been greatly helped in expanding our activities by a generous donation in 1989 from the Japanese Branch. We have used it well but now we have used it up; and any offers of funds will ensure that we go on: bigger and better.

Our numbers like those of many international organisations fell some years ago: but they too stabilised and the trend I believe is upwards. We have recently approved the establishment of an Hellenic Branch and we have received an application from Turkey. I have every hope that we shall soon have revived the Belgian Branch and that we will have a reinvigorated Pakistan Branch. Indeed we have today approved as Headquarters members 11 from Pakistan and one from Belgium. We hope that they will soon have branches of their own.

But publications matter as well as conferences and we have other developments. W S Hein's "HeinOnline" has made ILA reports available online: they have undertaken to reprint out of print reports. Indexing our reports is important. It was done up to 1974 and W S Hein has generously provided the funds to index reports since 1974. Maureen MacGlashan of the British Branch has begun work on this task.

It is great that Her Excellency Adrienne Clarkson is here. We also have previous Canadian ILA Presidents here, Nicolas Matte, Emile Colas, Cameron Desbois and Harry Bloomfield amongst others are with us during the week.

I would like to express my thanks to Christopher Ward for his work on the Berlin Conference Report.

I thank Professor Karl-Heinz Böckstiegel for his work as President of the ILA; and I ask him to hand the President's medal to Mr Milos Barutciski, the President of the Canadian Branch and the Incoming President of the ILA. I have pleasure in giving the Vice-President's medal to Professor Böckstiegel. This one he can keep. May you all enjoy the week enormously.

Professor Böckstiegel spoke of the problems facing the United Nations; of the old and new members of the European Union working together to

maximise its advantages. He noted the continuing human right violations in many states including some developed states; the conflicts between states and between groups in society; of international terrorism and the problems in Iraq, Afghanistan and the Palestinian territories, where he believed that citizens were not happier following intervention from outside; and of the new challenges that were being added to the old in many parts of Africa. It would be unrealistic to expect that international law could offer solutions. However it could make a real contribution. He referred to alternative dispute resolution procedures and to the 2,300 bilateral investment treaties (BITs). He noted that China had new BITs with Germany and the Netherlands. The ICC and the LCIA provided the framework for dispute resolution; and the ILA was at the forefront of the development of more sophisticated and effective mechanisms for dispute resolution. The subjects under discussion by the ILA were of the highest relevance to international issues. He mentioned the new ILA committees on the Use of Force, Non-State Actors and Reform of the UN. He thanked the Canadian Branch for their renowned hospitality. [Professor Böckstiegel's address is set out in full later in this Newsletter]

Mr Barutciski, who received the Badge of Office as the new President of the Association, said that over 60 countries were represented at the Conference. He said how delighted he was that veteran Canadian Branch members would be present (including Dr Emile Colas, Harry Bloomfield and Nicolas Matte, who presided over the 60th biennial conference in Montreal in 1982). He spoke of the many challenges facing the planet and the international community. He welcomed everyone to what he hoped would be a successful and stimulating conference.

The Right Honourable Adrienne Clarkson, who had had a long and distinguished career as a journalist at the Canadian Broadcasting Corporation before becoming the 26th Governor General of Canada, said that even if international law does not work all the time, it's good to know it's there. She said that she had been given the name of "Grandmother of Many Nations" at an aboriginal ceremony; and that she could describe the ILA in the same language. She spoke of the diversity of Canada and referred to a poll in which 74% said that multiculturalism is what set Canada

apart from other nations. She added her welcome and good wishes to those participating in the conference.

Brian Tabor QC spoke of the warmth, exuberance and humanity of Toronto; and he said that the ILA was at the vanguard of efforts to develop a better and more peaceful world.

The work of the Conference was divided into "Tracks" as follows:

International Dispute Resolution;
International Business Regulation;
International Institutions;
International Rule of Law and Human Rights;
Environment, Development and Cultural Heritage;
and Intellectual Property.

On Monday, 5 June, there were the following working and complementary sessions:

International Commercial Arbitration Committee.
Extraterritorial Enforcement of Competition and Consumer Protection Law.
An Institution in Crisis? The Future of the UN – Prospects for Reform.
Outer Continental Shelf Committee.
The Changing Face of International Commercial Arbitration.
International Trade Law Committee.
Aspects of the Law of State Succession.
The Rule (and Role) of Law in the International Community.
Cultural Heritage Law Committee.

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

The first Keynote speaker on Monday morning was **Dr Hans Blix**, the former Executive Chairman of UNMOVIC, the United Nations Monitoring, Verification and Inspection Commission for Iraq. Dr Blix has been a longstanding member of the ILA and attended the Dubrovnik conference in 1956. His own government (Sweden) asked him to write an independent report entitled: "Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms" (published by the Weapons of Mass Destruction Commission). The Report may be found at: http://www.wmdcommission.org/files/Weapons_of_Terror.pdf

Dr Blix said that he had a rock solid conviction that the Rule of Law should be applied in international affairs. He spoke of the urgent need for the revival of the disarmament process. A new

world summit should be convened. There were 27,000 nuclear weapons in the world. WMD were designed to cause terror and panic. World statesmen needed to promote a will to change. Countries owning WMD should be encouraged to disarm voluntarily. The world feared the use by Iran or North Korea of nuclear weapons: yet nothing of sufficient substance had been done to reduce the 27,000 weapons still in existence. Dr Blix proposed the following:

(i) All States should ratify the Test Ban Treaty. The United States had signed the Treaty but declined to ratify it. If the US did so, then China might follow suit.

(ii) All States should make cuts in their nuclear stocks. Russia and the United States should take the lead.

(iii) There should be an international ban on the production of highly enriched uranium and of plutonium, the ingredients of fissile nuclear weapons.

Dr Blix said that Iran should be faced with constructive diplomacy. States should be convinced that they can have security without the need for these weapons. He then discussed the legal justification for the 2003 Iraq war. He referred to Articles 2(4), 25, 51 and 57 of the UN Charter. He said that the political justification for the war was the existence in Iraq of WMD in breach of a series of UN Resolutions. However, before March 2003, there had been 700 inspections of over 500 sites and nothing had been found. The IAEA had expressed doubts about the evidence.

The USA had said that it was entitled to wage a pre-emptive war. The current administration feels that it is free to use force against Iran and North Korea. Condoleezza Rice had said that the US does not have to wait for a mushroom cloud before taking action. She has said that the US is entitled to rely upon self-defence. But self-defence against what? Is one milligram of highly enriched uranium a threat? Clearly it is not. This raised serious issues about the interpretation of the UN Charter. If a bomber is in the air, then an imminent attack may indeed be expected and there is a right of self defence. If an earlier stage is relied upon, then everything depends upon intelligence. If the threat is not imminent, then there is time to go to the Security Council. The Security Council may consider whether there is a threat to peace. Resolution 1540 of 2004

decided that the proliferation of WMD constituted a threat to peace. Iran is different from Iraq in 1991. It is hard to say that Iran constitutes a threat to peace and security today. Security Council decisions should be limited to acute threats. The authors of the UN Charter were not pacifists, but nor were they trigger-happy. The lessons of the Iraq war are not encouraging.

The European strategy in 2003 was to make States feel that they did not need WMD and that they could nevertheless enjoy security. If a threat is not imminent, there is time to go to the Security Council.

Dr Blix concluded by saying that if Iraq's major export had been kumquats, there would not have been a war.

The second keynote speaker on Monday was **Cherie Booth QC**. She spoke on "Human Rights and Children". She said that the protection of children was a fundamental concern. She traced some of the history of the relief of poverty and the care of children. The Earl of Shaftsbury had campaigned against children working in mines and factories. Dr Thomas Barnardo had founded homes for orphaned, destitute and neglected children. Eglantyne Jebb had founded the Charity "Save the Children" with the objective of "placing in children's hands the means of saving themselves." The UN had promulgated the UN Convention on the Rights of the Child (see <http://www.ohchr.org/english/law/pdf/crc.pdf>). There was an increasing rights based approach to the protection of children. For many millions of children their rights remain but a distant dream. In the UK there was now a "Children's Commissioner" – Professor Al Aynsley Green. In Canada Clare Burns, who had introduced Cherie Booth QC, was the Children's' Lawyer for Ontario. Miss Booth discussed juvenile offenders and the concept of Restorative Justice – Healing the Effects of Crime and Victim/Offender mediation. She discussed the UK decision of the House of Lords in **R (on the application of Begum) v Headteacher and Governors of Denbigh High School** [2006] UKHL 15, a case concerning the human rights implications of the school's decision not to permit a school girl to wear the jilbab; and **Multani v Commission Scolaire Marguerite-Bourgeoys** [2006] S.C.C. 6, a decision of the Supreme Court of Canada permitting a school

boy to carry a weapon, a kirpan, for reasons concerned with his faith. Miss Booth concluded her remarks by emphasising that children's rights were human rights.

There was a reception in the evening hosted by the Hon James K Bartleman, OOnt, Lieutenant Governor of Ontario. The reception was held at the Lieutenant Governor's suite in the Province of Ontario's Romanesque Revival styled Legislative Buildings at Queen's Park.

Later on the Monday evening there was an "ICC Arbitration Dinner Cruise" hosted by the ICC International Court of Arbitration and its Canadian and US committees.

On Tuesday, 6 June, there was an ICDR Breakfast Seminar hosted by the International Centre for Dispute Resolution. The topic was Cultural Strategy in International Dispute Resolution. There were also the following working and complementary sessions:

Emerging Trends in the Enforcement of Arbitral Awards.

Dispute Settlement in International Trade and Investment Law.

Regional Human Rights Institutions: Securing Human Rights.

Engaging Stakeholders in Treatment and Implementation.

International Law on Sustainable Development.

Globalisation of Class Actions.

International Law on Foreign Investments.

United Nations Reform Study Group. International Human Rights Law and Practice Committee.

International Law on Sustainable Development Committee.

Lech Walesa, former President of Poland (1990 – 1995), gave a keynote address entitled "Lessons from the Struggle of Solidarity". He was given a standing ovation which spoke volumes about the esteem in which he is held around the world. He was introduced by Mr Robert Amsterdam as the man who epitomises the core values of human rights; the man who stood up to autocracy; the man who said: "we are the people." A video was shown of the momentous events of 1981 (when he was placed under house arrest) through to Margaret Thatcher's visit to Gdansk in 1988 – when she had insisted upon meeting him and the ultimate victory of Solidarity, which by then had been joined by ten million

Poles. Lech Walesa described himself as a revolutionary who always enjoyed changing things. He described the new Millennium as a new era, a great opportunity: “we live in special times.” The world was unprepared for this new era of globalisation. We should try to find new solutions in the political and economic fields. There had been predictable institutions and programs in the old bi-polar era when there were two super-powers. All that had changed. The US was now the sole super-power. There were still great injustices. 90% of the world’s wealth was held by 10% of the population. We must find new means whereby these problems may be addressed. Yet we continue along the old patterns and we fight in the old style. We need to cooperate to promote peace and progress. Globalisation as such is neither good nor bad. Yet it is a fact and it was and is inevitable. We must adopt a global approach to our environment. Globalisation should resemble traffic management where no driver is allowed to drive in whatever manner he pleased. There should be a similar set of global rules for the global world. There should be more emphasis upon values. With values we can find solutions. The world environment is very challenging. We need to find common issues which we can resolve as each new day passes. The new era has brought its own dangers. We should reorientate the UN to make it more effective. He said that his greatest wish would be for a global solution which would provide global peace and security and deal with issues such as border conflicts, racism and terrorism. In the meantime we should continue to build and reinforce the institutions to make that vision possible. Above all, however, we needed values. His task was to communicate the insights and visions of a revolutionary. The task of international lawyers was to safeguard Solidarity’s great victory.

In the evening there was a Reception at Osgoode Hall, 130 Queen Street West, hosted by the Law Society of Upper Canada and the Court of Appeal of Ontario. Tours of the historic building were provided for delegates. Osgoode Hall houses the Law Society of Upper Canada, the Court of Appeal for Ontario and sections of the Superior Court of Justice.

On Wednesday, 7 June, there were the following sessions:

Foreign Judgments: Finding the Way Forward.

International Monetary Law Committee.
 International Criminal Law Committee.
 Feminism and International Law Committee.
 Transnational Enforcement of Environmental Law Committee.
 Global Issues in Intellectual Property Law
 Practice and Procedure of International Tribunals Study Group
 Global Regulation of Financial Services and Securities Litigation
 The Future of International Criminal Justice.
 Compensation for Victims of War Committee.
 International Law of Biotechnology Committee.
 Space Law Committee.

During the lunch break there was a Panel discussion: “The Lawyer-Lobbyists.” The panel was chaired by **The Hon Raymond Chrétien**, former Canadian Ambassador to the US. Speakers included **Mark Cowan** and **Guy Giorno**. They examined the ways in which lawyers could help their clients (both State and Corporate) to advocate for a desired policy outcome. The particular focus was the legal lobby world of Washington. Lawyers can help their clients to create the right political environment in Government relations and public affairs. The lobbyist seeks to persuade and influence and to secure an outcome favourable to his client’s interests. Not every problem can be resolved by litigation or arbitration. Sometimes laws or policies need to be changed. The skill is to translate the client’s concerns into a local domestic case and to navigate through the sometimes dangerous and uncharted waters of domestic politics. Clients will typically be foreign Governments who seek to create or improve relations with Congress, the White House, the State Department or institutions such as the World Bank, the IMF, WTO or the International Development Bank. In the case of developed nations it is usually a single issue brief, such as a desired trade pact, a weapons purchase agreement or some other form of significant agreement. The lobbying can be as diverse as seeking membership of NATO or selling aircraft to the US. There are a “myriad number” of reasons to engage a law firm. In the case of developing/emerging states the problems are typically concerned with recognition. The client country will wish to increase its

profile and gain access to the corridors of power. They will wish their leaders to visit senior members of the US Government. They will wish to meet with Officials from the State Department and the Department of Defence. They will seek political and economic sympathy for their cause. They will also seek financial and military aid. For example the US gives aid of \$1 billion to each of Israel and Egypt and a similar amount to Jordan. These sums have largely been secured through the lobbying process. The process leads to the certification of financing of programmes and of loans. In the case of developing countries, a decision to hire a Washington law firm would be taken by a cabinet minister and not by an ambassador. In the United States and in Canada lobbying is regulated and governed by suitable laws.

During the afternoon there was a panel presentation and key note speech given by **His Excellency Philippe Kirsch**, the President of the new International Criminal Court. The title of his presentation was “The Future of International Criminal Justice”. Judge Kirsch had spent much of his 30-year career in the Canadian Foreign Service dealing with multilateral and legal issues. In particular he has extensive experience in international humanitarian law and the development of anti-terrorist legal instruments. He said that the ICC is not a Court of Appeal. The Court is an independent body. The gender balance comprises ten men and eight women. The Court is not subject to the UN or to the Security Council except as provided in its Statute. One of the greatest challenges of its work is to counteract public ignorance and misconception about its role. The job of the Court is not to promote itself. Otherwise it would be seen as a political body. The Court itself should not lobby for ratification of the Convention; but it should respond to invitations for information. States Parties and the Court are very aware of the risk of delay in the Court’s procedures. The pre-trial chambers have unique experience taken from ad hoc tribunals. The pre-trial process deals with jurisdiction, admissibility, arrest warrants, and protection of witnesses. The 1998 Rome Conference created the Court; but it had no idea of the appropriate agenda. The last thing that States Parties wanted was a body that might act politically. The prosecutor cannot conduct an investigation proprio motu unless the pre-trial chamber has first

authorised it. This was established in order that the Court might avoid the spectre of politically motivated prosecutions collapsing. The Court's policy is to conduct proceedings which are as conducive to short proceedings/due process as possible. The field is full of novel problems. One must never underestimate the creativity of defence lawyers. Most States Party contributors pay their dues on time. The Court has no cash problem at present. However, some lesser contributors are very much behind with their dues. This is not a practical problem; but failure to pay dues on time is seen symbolically as a failure of the system to operate properly.

On Thursday, 8 June, there were the following sessions:

Teaching of International Law Committee.

International Securities Regulation Committee.

Indigenous Peoples in Canada: A case Study in Legal Rights and Institutional Responses.

There was a lunch entitled: Aboriginal Leadership Lunch. A keynote address was given by **Roberta Jamieson**, former Chief of Six Nations, the largest First Nation in Canada.

In the afternoon there was a special Plenary Session on the "Rights of Indigenous Peoples" chaired by Lord Slynn and the **Hon Mr Justice Y K Sabharwal, Chief Justice of India**. This session was presented in co-operation with the Canadian Indigenous Bar Association. From the opening drum to a 'leadership lunch' hosted by Aboriginal leaders, this programme provided those in attendance with a unique opportunity to hear from and meet many of the most effective, eloquent and expert lawyers, academics and political leaders drawn from the highly diverse and dynamic Aboriginal communities and First Nations across Canada. The programme was designed to help to launch the proposed ILA Committee on Indigenous Law. The Chief Justice of India invited participants to share the Indian experience. He said that there were 370 million indigenous people over 70 countries who had unique traditions and cultures, albeit their territory continued to be occupied by the dominant countries. Tribal loyalties are part of an historical process, although there has been much assimilation into society. India has the largest concentration of tribal people in the world, except for

Africa. The United Nations is poised to adopt a new declaration on the rights of Indigenous People.

Professor James Anaya, University of Arizona, said that there was international concern for the rights of Indigenous People. Their claims used to be confined to domestic law. The UN Declaration now represents a wider international concern. There is a shift of international policy towards Indigenous People. They had been seen as backward and not worthy of individual treatment. They had been regarded as objects of assimilation; and their cultures and identities had broken down. Now, however, their Human Rights and cultural integrity were to be respected. A number of jurisprudential issues had been generated:-

- i) To what extent will the Declaration reflect existing international law. To what extent does international law protect and affirm their rights, cultural integrity and right to self determination. The ILO Convention of 1989 deals with rights over traditional lands and resources:-
- ii) Human Rights treaties are of general application. Values and norms are expressed in the draft Declaration.
- iii) To what extent does customary or general international law embrace the rights of Indigenous People.
- iv) Where does the law relating to Indigenous People fit in with international law? Is it part of States Rights & Responsibilities or Human Rights? Can collective rights be Human Rights? What is the legal status of Indigenous People? Do they have international legal personality? If so, what does that imply with regard to the duties of Indigenous People?

Professor Martin Scheinin, Director Institute for Human Rights, Abo Akademi University, Finland, the Chair of the ILA Committee on Human Rights and UN Special Rapporteur on Human Rights and Terrorism, drew attention to the International Covenant on Civil and Political Rights 1966. For example, Article 1 provides that all peoples have the right to self determination; Article 2 provides that all peoples have the right to dispose of natural resources; Article 27 provides that minorities have the right to enjoy their own culture and to profess and use their own religion. In Finland the Saami people have the right of self determination. In Canada there

is a Royal Commission on the rights of Aboriginal peoples.

Mr Greg Marks, of Canberra, Australia, said that there were complex and difficult issues relating to native title, dispossession of lands, loss of sovereignty and non-discrimination. He said that the rights of Indigenous People were not merely aspirational but were real.

Professor Susana Vieira, Secretary of the Brazilian Branch of the ILA, said that for Indigenous Peoples their land is not merely for subsistence but is the basis of their social life – a socio-cultural resource which is directly linked to their system of knowledge and beliefs. The Brazilian Federal Constitution defines indigenous lands as those which are inhabited by them in a permanent character, those used for their productive activities according to their uses, custom and traditions. They are Union assets which cannot be sold and to which the Statute of Limitation does not apply. Indigenous People have the exclusive right to use and enjoy them in perpetuity. As a result, land has been demarcated and assigned to indigenous Indians and schools and universities have been established for Indigenous People.

The Closing Session took place later in the afternoon. **Lord Slynn** reflected upon the conference week. He said that his first satisfaction was from the great number of participants. The numbers of delegates at international conferences vary and are difficult to predict. On this occasion there has been a very high and successful level of participation; and he wished to congratulate the Canadian Branch on the high numbers achieved. Secondly, he noted the high numbers of participants at the working sessions. From a scientific and intellectual point of view the conference had been enormously successful. This applied both to the committee work and the complementary programme. Right up to the plenary session on Indigenous People there had been a large turn out, much larger than usual. He referred to the boat trip which had been fully taken up and to the hospitality offered by the Canadian Branch and by law firms within Canada. There had been wonderful parties during the week. There had been memorable outside speakers. Hans Blix's speech was something we should not forget. It was a great event to have Lech Walesa at the conference,

Lord Slynn remembered seeing him in Gdansk in the 1980's. Cherie Booth's speech was another memorable contribution. Lord Slynn said that he had earlier mentioned the possibility of a regional conference to be held in South Africa. A formal invitation had now been received for a regional conference in Johannesburg between 3-6 September 2007 which promised to be highly successful and interesting. He said that W.S. Hein Online had generously offered to rebind books and reprint old conference reports. Earlier ILA reports will be available for ILA members without charge for the remainder of 2006. Finally, he said how much he appreciated not just the high number of participants but the fact that many of those who had been to previous conferences had been able to come together and meet up with their families and friends. The Indian Branch had sent a large delegation. In the old days the Philippine Branch delegation under the leadership of Professor Syquia had been the largest. At this conference the Canadians have fielded the largest delegation. However, we are delighted to see so many Indians, led by the Chief Justice of India and the Chief Justice of the High Court of Delhi, and by other judges. He added that he was delighted to see so many representatives from so many ILA branches and from so many different countries.

Professor Christine Chinkin, Director of Studies, said that it had been a wonderful week, legally, intellectually, socially and gastronomically. There had been 18 working sessions of the international committees, various closed sessions, to consider the future work of the ILA and three study groups. The Executive Council had approved the establishment of a new Committee on Indigenous People. That decision was followed by a well attended plenary on Indigenous People. She spoke of the very high level of discussion and interest in the scholarly reports that had been presented and the vibrancy and stimulation of the discussion at the working sessions. She said that there was a synergy between the working sessions and the complementary programme. Many of those who attended the working sessions benefited from their attendance at the complementary programme and became equally engaged in it. She thanked the Canadian Branch for making this possible. She also thanked the Chairs and Rapporteurs and the Chairs of the working sessions. She also paid

tribute to the reporters who were able to put the oral contributions into a state fit for the published report under the general editorship of Christopher Ward. She said that six committees had adopted Resolutions. In two cases there were final reports. In other cases there were interim reports.

Lord Slynn then noted that without a good Director of Studies, the ILA would be sunk. He paid tribute to her and the other officers and in particular to Juliet and Natalie who had made an enormous contribution to the ILA albeit they worked behind the scenes. He too wished to thank Christopher Ward for his editorship of the conference report.

The six Resolutions were then presented as follows:-

- i) International Commercial Arbitration: Professor Janet Walker summarised the Resolution of the Committee on Res Judicata and Lis Pendens.
- ii) Legal issues of the outer Continental Shelf: Dr Winte referred to the 22 conclusion which the Resolution in particular addressed. He referred to Article 76 of the UN Convention on the Law of the Sea. He said that the Committee now intends to move on to Article 82 concerning payments and contributions and the Common Heritage Principle.
- iii) International Trade Law: Professor Urik Peterson referred to the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). He drew attention to the recognition by the Resolution that all countries and peoples are susceptible to disease burdens, including but not limited to epidemic disease burdens, that may require facilitated access to medicines, and that the limitation or elimination of TRIPS flexibilities supporting access to medicines may affect all countries and peoples.
- iv) Cultural Heritage Law: Professor Susana Vieira introduced the Committee's draft Principles for Cooperation in the Mutual Protection and Transfer of Cultural Material and drew attention to the Resolution's emphasis upon a collaborative approach and a spirit of partnership among private and public actors through international cooperation. She said that the Committee had already contributed three major pieces of work and that it intended to adopt a two-part

agenda for its work during the next biennium: a study of the concept of safe havens for temporary deposit of cultural material rescued from circumstances of armed conflict and other seriously threatening circumstances; and a study of the relationship between international trade law and cultural heritage law.

v) Diplomatic Protection of Persons and Property: Dr Eduardo Grebler introduced the Resolution and highlighted the importance in international law of the exhaustion of local remedies being a procedural precondition for the exercise of diplomatic protection. He also spoke of the nationality of claims. This Committee had completed its mandate.

vi) Transnational Enforcement of Environment Law: Mr Robert von Mehren referred to the interim reports of the Committee at the New Delhi and Berlin conferences and the final report submitted in Toronto. He said that the report contained draft Rules of Transnational Enforcement which had been debated at considerable length. Although changes had been made to Rules 1 and 6, those changes did not affect the substance. The Resolution adopted all six rules.

Dr Eduardo Grebler extended to all participants of the seventy second conference in Toronto a whole hearted invitation from the Brazilian Branch to the seventy third ILA conference to be held in Rio de Janeiro in late August 2008. He said that he had come to the Toronto conference with the purpose of participating in it but also of learning how to make a conference successful. He said that the Brazilian Branch liked challenges and that they would do their very best to make the Rio conference just as good as the Toronto both in terms of scientific and cultural activities.

The Chief Justice of India proposed a vote of thanks to the Canadian Branch. He said that his motion was not a matter of formality but a matter of substance. He offered his heart felt thanks for a wonderful conference and for the outstanding work of the last five days. He said he had no words sufficiently to express his thanks and gratitude to all who had made the conference such a success. He wishes to acknowledge all those whom we had seen and those, behind the doors, that we have not seen, all under the able

leadership under Mr Milos Barutciski.

Mr Chun-I Chen seconded the vote of thanks and said that it had been a really wonderful and joyful conference.

Mr Milos Barutciski now in his capacity as President of the ILA gave his thanks to all participants and guests and wished them a safe journey home to the 60 countries represented at the conference with his 'bon souvenirs'. He said that it was his hope that all participants should reflect upon the new friendships, the new colleagues and contacts made at the conference. He said that he looked forward to the future resurgence of the ILA and how he could help to contribute in building upon its prestigious past. He said that the international committees were increasingly active; that the participation during the week had been vivid evidence of where the ILA was headed. He said that we should all put our shoulders to the wheel to develop the enormously worthwhile work of the association and show it to the world. Of 800 participants, 225 were Canadian and the remaining 575 were from 60 different nations. The composition of the ILA was truly international. He thanked Lord Slynn, Professor Chinkin, Juliet Fussell and Natalie Pryer who were responsible for keeping the organisation going. He thanked his colleagues on the Steering Committee. He thanked Judy Lane Consulting. He paid tribute to Professor Karl-Heinz Böckstiegel and Professor Torsten Stein both of whom had been a source of inspiration and sage guidance to him in his organisation of this conference. Finally, he expressed his wish that Dr Eduardo Grebler and his Brazilian colleagues should have every success and good fortune in their preparations for the 73rd conference in Rio de Janeiro. He then declared the conference closed.

On the final day of the conference week a large number of delegates and guests went by bus to the magnificent Niagara Falls and to a wine tasting at a local winery.

It is evident from the tributes paid at the Closing Session that all concerned regarded this conference as one of the most successful and scholarly in the long and distinguished history of the International Law Association. That indeed is high praise, and praise which is entirely justified.

Bruce Mauleverer

Address and some Thoughts on International Law Today by Karl-Heinz Böckstiegel (Outgoing President of the ILA) to the 72nd Conference of the International Law Association in Toronto from 4 to 6 June 2006 at the Opening Ceremony 4 June 2006

Ladies and Gentlemen, dear colleagues, dear friends,

In my function as the outgoing President of the ILA, and also on behalf of the German Association of International Law which hosted the last ILA Conference in Berlin two years ago, let me welcome you to this 72nd Conference of the International Law Association.

Permit me, on a personal note, to say that it is a pleasure to be back in Canada where I have lectured for a number of years, and it is also nice to be back in Toronto where I was able to chair the first Hearing in a NAFTA arbitration case.

Some of you may recall that, at the Opening of the Berlin Conference, I identified some major and fundamental changes that have taken place in recent decades regarding the international community of states, its economic and social environment, and also regarding its legal environment and framework. Today, permit me to very shortly consider what the status quo is two years later.

It is still true that, though many of these changes have brought about advantages for the states and their citizens, many old problems have remained and new problems have arisen. In Europe, old and new members of the growing European Union are still working hard to realize its many potential advantages. The United Nations has not always been a success story in peace keeping or in helping its poorer member states, and it is struggling to find a new shape in its organisational and financial format as well as in its mandate under growing pressure. Human rights violations are still found in many states. This includes some Western industrialized states who are claiming to be advanced democracies, but are finding it difficult to identify a convincing way to deal with terrorism and growing social frictions while retaining their fundamental standards of human rights. Both industrial and developing countries face old and new challenges in their social and economic

structures. Conflicts, including military conflicts, between states and with certain groups in society, are still found in many regions of the world. International terrorism has grown further into a fundamental challenge to international peace and development. In countries where special efforts from outside have been made, such as Afghanistan, Iraq, or Palestine, conflicts continue and no real improvement is seen for their citizens. The threat of further states reaching possession of nuclear weapons has increased. And new challenges have been added to old ones in Africa.

It can be no surprise that international law reflects this picture of the world community. In the face of these social, economic, political and military conflicts, it would be unrealistic to think that international law can bring about solutions. But it has a potential to contribute its share to such solutions. It can certainly be argued that, in view of new challenges not anticipated in traditional international law, there must be room for re-examination and further development of the rules of international law. But I also note with pleasure that the centennial meeting of the American Society of International Law in March adopted a formal Resolution pointing out that the rules of international law with regard to armed force and forbidding torture, degrading treatment, and prolonged secret detention of persons in custody, extend to all combatant forces and are binding for all states. We all know that there is good reason to insist on these principles today.

But we should also note that, in recent years, the procedural and substantive legal framework of the international community has continued to be developed into an impressive body of law.

Since there is no time here to go into detail, let me only recall one of the examples I mentioned two years ago from fields with which I am personally familiar. International dispute settlement systems continue to provide more options and to be used in practice more than ever before in history for the peaceful solution of disputes. In recent years, this has become particularly obvious for international investment disputes, where the more than by now 2300 Bilateral Investment Treaties (BITs) provide for arbitration between the host state and foreign investors. This framework is used in a growing number of cases administered either by ICSID of

the World Bank or other mechanisms.

To mention one example: It is encouraging to see that China as the new global player has concluded more than 100 BITs and recently accepted a wider scope for arbitration in its new re-negotiated BITs with Germany and the Netherlands. But at the same time one may note that the protection of intellectual property rights is far from being efficiently enforced in China.

At the non-governmental level, international commercial arbitration, such as of the ICC and the LCIA, continues to be used as the generally accepted method of dispute settlement between private enterprises and for international government contracts, including a world wide enforcement of arbitral awards by the New York Convention of 1958.

At the regional level, Europe's fully available court system for the vast body of European Law by the European Court of Justice in Luxemburg as well as by the European Human Rights Convention with its separate Court in Straßburg have a large and still growing case load. In North America, NAFTA provides a widely used arbitration system for the protection of investors, though some re-shaping of the system is taking place. In Latin America, it will have to be seen how the available dispute settle-

ment machineries will deal with fundamental new political and economic developments in some countries.

The International Law Association, with its wide activities in many fields of international law, public and private, is playing an important role in the progressive clarification and interpretation of the law, its development, and also in the discussions regarding its unsolved challenges. If you look at the Committees and Study Groups at this Toronto Conference, you find a selection of fields and issues of the highest relevance for modern day international relations and law. And if you look at the most eminent members of these groups, and the quality of the reports presented to this Conference, you also realize that the work done between and at the Conferences is at the highest level.

In this context, the ILA activities are continuously re-examined and adapted to new developments. Examples are the new ILA Committees on the Use of Force and on Non-State Actors and the Study Group on UN Reform, all created since the Berlin Conference. Another example is that, for good reason, the organizers have installed what they call an "International Dispute Resolution Track" as a series of meetings throughout this Conference.

But, one also has to be aware of the limitations of the organisation. The ILA, as a non-governmental organisation, has the advantage that it is not bound by all sorts of political and diplomatic restrictions and implications in approaching disputed issues. But, on the other hand, this does not justify an unrealistic approach neglecting what can be considered feasible. And it may not always be helpful or wise to finalise conclusions or even pass resolutions regarding every politically sensitive legal debate.

We all look forward to the many meetings during this Conference which, no doubt, in addition to the importance of their topics, will be most informative and intellectually stimulating.

Finally, permit me to use this occasion to express my gratitude to our Canadian friends for the great effort in organising this Conference and for offering us the hospitality for which Canadians are well known; and to the ILA Executive Council and to the team of ILA Headquarters headed by Juliet Fussell for the support I was privileged to receive during my time as President of the Organisation. It was a time I will never forget.

I wish all of us a successful 72nd ILA Conference.

News from the EXECUTIVE COUNCIL

A meeting of the Executive Council was held on Sunday 4 June in Toronto.

The Hon Treasurer, Mr Willem Hamel presented the Annual Accounts for 2005 and other financial reports.

In the Annual Accounts, the Treasurer pointed out that the balance of the Japan Conference funds had been transferred into the General Funds to offset the costs of distributing the Berlin Conference Reports in 2005. He expressed the gratitude of the Association to the Japan Foundation and the ILA Japan Branch for their generosity. He said he hoped that similar contributions might be made in future.

The Treasurer said it is hoped that the changes proposed to the method of distribution of the Conference Report would result in a saving of costs to ILA HQ.

As agreed at previous meetings, the HQ contribution from branches will be increased at the Toronto conference with effect from January 2007. The rates will be: Individual to £30; Student to £15 and Corporate to £150.

The Director of Studies, Professor Christine Chinkin presented her report. In addition to the changes to some committee officers (see under **International Committees**) it was agreed that the proposed Committee on the Rights of Indigenous Peoples should be approved. This is considered an important topic and especially relevant with the 2006 conference in Canada and the 2008 one in Brazil. Professor James Anaya, James J. Lenoir Professor of Human Rights Law and Policy University of Arizona Rogers College of Law was appointed as chair of the Committee and Greg Marks (Australia) as rapporteur.

The Study Groups on International Courts and Tribunals, the Responsibility of International Organisations and UN Reform were all holding working sessions at the Toronto Conference.

The Director of Studies said that she was anxious to encourage membership of the ILA Study Groups from among both existing members and non-members with known interest or expertise in the subject matter. She would be pleased to hear from anyone who may or may not be current members of the ILA but who would be interested to work on a study group (and willing to make the requisite commitment).

Members of the Advisory Committee on Research had met informally in November 2005. A proposal for a new Committee on Terrorism, Nuclear

Capacity and Non-proliferation will be sought.

18 Committees would be holding working sessions at the Toronto Conference. Three new Committees (International Civil Litigation and the Interests of the Public, Committee on the Use of Force and Committee on Non-State Actors) were having their first working sessions.

The Director of Studies had attended ASIL's Centenary Meeting in April 2006 at which there had been a strong ILA presence. She asked Members to suggest ways in which the two organizations might co-operate in future ventures.

Milos Barutciski, President of the Canadian Branch welcomed everyone to the Toronto Conference. The Chairman said that it would be a very

full and exciting week for everyone attending.

Mr Eduardo Grebler announced that the 73rd ILA Conference would be held in Rio de Janeiro. Dates were still to be confirmed, but it was expected to be end August/ beginning September 2008.

The Netherlands Branch and the Bulgarian Branch confirmed that their plans for 2010 and 2012 respectively were under way.

The Executive Council formally accepted the invitation of the Japan Branch to hold the 2014 Conference in Japan.

A significant number of applications for Headquarters Membership had been received from Pakistan. These were welcomed. It is hoped that after discussion

between the several interested parties in Pakistan that a Branch might be re-established and thereafter that the members of Headquarters be urged to join the Pakistan Branch.

The Executive Council were pleased to approve the establishment of new branches in Belgium and in Turkey.

The South African Branch invited the ILA to a Regional Conference in Johannesburg from 3 – 6 September 2007. Full details will be submitted to the November meeting for final approval.

The next Executive Council meeting will be held in London on 11 November 2006 at 10.00am and the following one on 19 May 2007.

COMITTEES

A new Committee on Indigenous Peoples was established with Professor James Anaya, James J. Lenoir Professor of Human Rights Law and Policy University of Arizona Rogers College of Law as chair of the Committee and Greg Marks (Australia) as rapporteur.

Dr J M P H Noortmann (Netherlands) is to chair the Committee on Non-State Actors and Professor Siegfried Weissner (to join American Branch) to be rapporteur. **NB Branches are urged to**

nominate members to this committee.

Federico Ortino (British) was appointed to replace Amazu Asouzu (British) as co-rapporteur on the The Law of Foreign Investment Law Committee .

Dr Daniel Wuger (Swiss) to replace the original co-rapporteurs on the International Law on Biotechnology Committee.

Subject to their ILA Membership being confirmed by the Branches concerned, the following were appointed to the Study Group on UN Reform: Gian Luca Burci (NM); Hilary Charlesworth (Australia); Bhupinder Chimni (NM); Jean-Pierre Cot (France) ; Irene Khan (NM) ; Jan Klabbers (Finland); Nico Krisch (British); Roda Mushkat (British); Anne Orford (NM); Ivan Shearer (Australia); Judge Weeramantry (NM); Tom Weiss (NM); Abdulqawi A Yusuf - Somalia (NM)

Dr C Brolmann (Netherlands) joined the Study Group on Responsibility of International Organisations

STUDY GROUPS

COMMITTEE MEMBERSHIP

The following appointments to ILA Committees were made:

Compensation for Victims of War

Miss Joanne Foakes
British Member

Hon Mr Justice Arun B Saharya
Indian Member

Cultural Heritage Law

Thomas Adlercreutz
Swedish Member

Mr Rajesh Singh
British Member

Feminism and International Law

Dr Susan Breau
British Member

Professor Giuliana Redin
Brazilian Member

International Civil Litigation and the interests of the public

Professor Masato Dogauchi
Japan Member

David P Joseph
British Member

Professor Alberto Malatesta
Italian Member

Professor Dmitry Maleshin
Russian Member

Ms Vesna Tomljenovic
Croatian Member

International Arbitration

Commercial

Joao Bosco Lee
Brazilian Member

Professor Phillip Capper
British Alternate to
Lord Dervaid QC

M Alexis Mourre
French Alternate to
M Bensaude

Professor Hrvoje Sikiric
Croatian Member

International Criminal Court

Dr Olaoluwa Olusanya
British Member

International Law on Biotechnology

Ms Ruth Mackenzie
British Member

Marc Markus
Swiss Member

Professor Iulia Motoc
Romanian Member

Professor Anne Petitpierre
Swiss Alternate to
Mark Markus

International Law on Foreign Investment

Dr Joanna Gomula
Polish Member

Dr Veijo Heiskanen
Finnish Member

Mrs Anne K Hoffman
Swiss Alternate to
Professor Ziegler

Mr Jernej Letnar Cernic
Slovene Member

Professor Giuditta Cordero Moss
Norwegian Member

International Monetary Law

Lee Buchheit
American Member

Sean Hagan
American Member

International Securities Regulation

Justice Vijender Jain
Indian Member

Professor Iain MacNeil
British Member

Dr M Zahir
Bangladesh Member

International Trade Law

Justice Vijender Jain
Indian Member

Dr Kim Van der Borgh
Headquarters Alternate to
Prof Bourgeois

Non-State Actors

Professor Ling Bing
Hong Kong Member

Professor Dr. Stephan Hobe
German Member

Outer Continental Shelf

Mr Stephen Fietta
British Alternate to
Judge Anderson

Dr. Andree Kirchner
German Member

M Richard Meese
French Member

HE Ambassador A K H Morshed
Bangladesh Member

Space Law

Mag Aleksander Cicerov
Slovene Member

Antonio Carlos Rodrigues do Amaral
Brazilian Alternate to
Prof Montserrat Filho

Hon Mr Justice Markandey Katju
Indian Member

Teaching of International Law

Mr Carlos Bernal
Mexican Member

Professor Claudia Lima Marques
Brazilian Alternate to
Dr Tuffi Saliba

Mr Bimal Patel
Indian Member

Use of Force

Professor Masahiko Asada
Japan Member

Professor Jutta Brunnee
Canadian Member

James Gathii
American Member

Professor Dr. Wolff Heintschel Von Heinegg
German Member

CONFERENCES AND SEMINARS

Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Conference on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (22-26 May 2006, United Nations Headquarters, New York)

The Review Conference on the UN Fish Stocks Agreement was held at UN Headquarters in New York (22-26 May 2006). The Agreement was adopted in 1995 to implement provisions on fisheries for straddling fish stocks (SFS) and highly migratory fish stocks (HMS) of the United Nations Convention on the Law of the Sea. Article 36 of the Agreement stipulates that a review conference be convened four years after its entry into force with a view to assessing its effectiveness in securing the conservation and management of the fish stocks concerned. The Review Conference was convened by the UN Secretary-General in accordance with paragraph 16 of General Assembly resolution 59/25 of 17 November 2004 and attended by delegations from parties – as of 15 June 2006, there are 58 parties to the Agreement – and non-parties as well as observers from inter-governmental and non-governmental organizations.

Under the presidency of David Balton (United States), the Conference reviewed and assessed the adequacy of the provisions of the Agreement and considered proposed means of strengthening the substance and methods of their implementation. The Conference dealt with four clusters: 1) Conservation and management of stocks; 2) Mechanisms for international cooperation and non-members; 3) Monitoring, control and surveillance, and compliance and enforcement; and 4) Developing States and non-Parties. On the basis of the discussion in the plenary, the Drafting Committee considered elements of the final report of the Conference. In the end, the Conference produced a report containing a set of reviews and assessments as well as recommendations, and was suspended. Since the Agreement only envisages one Review Conference under article 36, the participants decided to keep the Agreement under review by suspending the Conference with a view to its

resumption in future. Some of the highlights of the discussion at the Conference and its outcome document are briefly described in the following. (The final report as well as other conference documents are available on the website of the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat (<http://www.un.org/Depts/los/index.htm>)).

The Agreement introduced new concepts, including the precautionary approach and consideration of ecosystem impacts of fisheries. Whereas the Conference noted that the precautionary approach should be fully implemented, it demanded further incorporation of ecosystem considerations into fisheries management and examined effective tools for the conservation of the marine ecosystem such as marine protected areas. Besides, since the Agreement aims to conserve and manage SFS and HMS, those solely occurring on the high seas (i.e. high seas discrete stocks) are beyond its scope. Nevertheless, in line with recent trends as found in General Assembly resolutions, the Conference adopted several recommendations concerning such stocks as well.

International cooperation is essential to management of high seas fisheries. The Agreement aims at achieving it by focusing on regional mechanisms. To ensure effective implementation of the provisions of the Agreement, the Conference suggested developing best practice guidelines of regional fisheries management organizations and strongly urged them to review their performance. The review will make it possible for them to identify ways to improve their management if based on transparent criteria and conducted impartially. The Conference, however, failed to agree on inserting the latter requirement and only encouraged that “such reviews include some element of independent evaluation”.

Only by ensuring effective implementation of conservation and management measures, can illegal, unreported and unregulated fishing be deterred. While the Agreement imposes the primary responsibility on flag states, other states also play an important role. In fact, non-

flag state boarding and inspection on the high seas is one of the most innovative, and controversial, aspects of the Agreement. The Conference elaborated on various types of action to be taken by both flag and non-flag states. Among others, it was agreed that states would initiate a negotiation of a legally binding instrument on minimum port state measures based on the 2005 FAO Model Port Scheme.

Inadequate implementation by developing states as well as fishing activities by non-party vessels constitute major obstacles to the effective implementation of the Agreement. The Conference considered various means to assist developing states. Because the Assistance Fund established under Part VII of the Agreement was not yet widely known, the Conference provided an excellent opportunity to publicize the Fund and promote its use by developing states. As regards further adherence of non-parties to the Agreement, some non-party states still have problems with certain provisions of the Agreement, notably articles 7, 21, 22 and 23. In this respect, it is notable that the Conference observed that alternative mechanisms at the regional level, as provided for in article 21(15), may render unnecessary non-flag state boarding and inspection and facilitate increasing the number of parties to the Agreement by alleviating the fear of those states.

All in all, the Conference succeeded in achieving what was expected in advance. Since states generally agreed that it was too early to consider amendments to the Agreement, the Conference did not try to modify rights and obligations provided for in the Agreement: the balance of interests struck in 1995 appeared to be preserved. Nevertheless, by producing 90 paragraphs of assessments and recommendations, the Conference managed to make slight adjustments and express desirable future direction. Although it remains to be seen whether recommendations of the Conference will actually be implemented, the Conference may be appreciated as a meaningful step to move towards better management of marine living resources on the high seas.

Yoshinobu Takei

ILA Polish Branch's interdisciplinary water resources law seminar, Warsaw 24.02.2006 "Codification of International Water Recourses Law - an Instrument of Sustainable Management"

This seminar was organized by The International and Comparative Law of Sustainable Development in Environmental Protection ILA Polish Branch Committee chaired by Prof. K. Równy. The seminar was arranged for two purposes. First to present the Berlin Rules on water resources adopted at the 71st ILA Conference in Berlin (2004) and secondly, in light of the adoption by the Polish Council of Ministers (on 13 September 2005) of a Water Management Strategy.

Invitations to participate in the seminar were sent to lawyers and hydrologists from the academic world dealing with the environment as well as officials from the Polish government and local government and representatives of non-governmental organizations. The Programme of the seminar included contributions from Prof. M. Gromiec (Institute of Meteorology and Water Management, President of National Council of Water Management), Prof. M. Zalewski (Director of the International Center of Ecology of the Polish Academy of Sciences), Prof. Z. Mikulski (Warsaw University, Faculty of Geography and Regional Studies Dep. of Hydrology) and Prof. K. Równy (Hon. President of the ILA Polish Branch, member of international ILA Water Resources Law Committee).

In his opening address, Professor Równy emphasized the importance of water for all animal and plant life on the planet, including humans. He also pointed out the major importance of proper water resources management by administrative and commercial enterprises. Since law is the basic instrument for improvement, he appealed to the authorities and academic colleagues in establishing postgraduate (doctoral) studies for interdisciplinary capacity building for water use and management and for proper teaching of all managerial and other personnel. Implementation and enforcement of the EU Water Framework Directive is not a simple venture and it encounters many obstacles in Poland, both organisational as well as institutional. Poland, as a Member of the European Union is obliged to implement it.

In his paper on "Basic causes of water quality problems and proposals of solutions" Professor M. Gromiec presented major difficulties connected with high quality water resources maintenance. These include imperfect legislation, overlapping institutions, insufficient public participation in decision-making dealing with water resources quality, shortsighted water policy and limited research in legal regulation development concerning watercourses. He also presented proposals for improvements in rational water resources use, protection of water ecosystems as well as supply of drinking water. Furthermore, he briefly presented the principles of water policy which should be taken into consideration to protect water from pollution in everyday life including the precautionary principle, sustainable development principle, prevention principle, principle of integration of groundwater and surface waters, prevention of environmental damages at the source, polluter-pays principle and the principle of high quality water protection.

Professor Gromiec referred also to legal developments undertaken by The European Union pointing out the integrated approach to water resources protection. He emphasised the importance of the Water Framework Directive to gaining a good quality of all kinds of water resources in the EU countries by the year 2015. The Water Framework Directive emphasizes monitoring of water and economic issues integration with water resources balance.

The second paper on the utilization of ecosystems capacities to implement the EU Water Framework Directive and the necessity of elaboration of adequate legal rules was presented on behalf of Professor M. Zalewski by Professor P. Frankiewicz from the University of Lodz, Department of Biology and Environmental Protection. The speaker drew the attention of seminar participants to the integrated approach to the freshwater ecosystems management and renewal. He referred to the new socio-economic approach to the issue of using natural resources. The major issue is not only the quality of drainage basin waters, but also the undisturbed water cycle in sustainable development. He underlined that the ecosystem should be treated as an object of protection and as an object of effective management. Thus he pointed out the possibility of implementation of the ecohydrology concept to improve water quality and to renew

the functions of every ecosystem. The speaker described the sustainable use of water resources as including the limitation of the use of water resources, the need to replace the sectorial approach by system approach, an access to information inducing the interest and delays in the decision-making processes in the field of environment protection by citizens and the necessity of integration and better understanding of interdependence between environmental policy, technical solutions and socio-economic needs.

The next speaker, Professor Z. Mikulski focused on Poland's Water Management Strategy. He criticized this recent document for not properly dealing with the long-term problem of navigation on Poland's inland waterways. The speaker recalled the "White Book" of 1996 concerning international aspect of transportation on inland watercourses, which materialized in the European Agreement on main inland waterways of international importance (AGN) of the same year. The "White Book" identified three international watercourses running through Poland. The "Blue Book", published in 1998, describes necessary conditions for appropriate preparation of the waterways. Poland has not signed the AGN treaty giving the impression that the matter of inland water transportation is not considered by the Polish authorities to be important. Professor Mikulski also highlighted the failure to taking into consideration tourist navigation in a consistent watercourses transport system in Poland. He pointed out that the arrears in maintaining and extending waterways, as well as "scattering" competences of authorities, are causing a lack of consistent system of waterways transport in Poland. The speaker appealed to the authorities, underlining the necessity of employing well-educated lawyers with the aim of preparing appropriate law instruments for environmental protection. He reminded the audience that Poland had not joined a number of international treaties. This could account in stagnation in the area of water resources management and might lead to the creation of a barrier separating Eastern and Western navigation system. That situation might lead to the use of the Dunabe as a roundabout waterway to the south of the continent, instead of the utilization of Poland as a transit way in European inland navigation. He also expressed his view that the lack of sufficient knowledge of sustainable development con-

cept by society and decision-making circles resulted in delays in building the water step (another dam) northward from Wloclawek. This construction will gradually limit the expenses on the modernization and maintenance of Wloclawek dam and it could contribute energy production and full protection against flood in the section from Wloclawek to Ciechocinek.

After presentations on hydrological and ecohydrological water resources problems Professor K. Równy moved on to consider the important role of the ILA in formulating the first complex set of Rules known as The Helsinki Rules on the Use of Waters of International Rivers (1966). Thirty-one years later the International Law Commission prepared the UN Convention on the Law of the Non-navigational Uses of International Watercourses (1997). Since the Helsinki Conference, the ILA has produced a series of rules addressing various topics relating to international water law and finally adopted an updated comprehensive set of international water law – known as Berlin Rules on Water Resources (2004). It encompasses developments in international environmental law and water treaty law. The basic principle of the Berlin Rules is reasonable and equitable participation of states in the use and management of their drainage basin waters. Prof. K. Równy then discussed other principles govern-

ing the management of all waters which are contained in Chapter II of the Berlin Rules, namely, participation by persons, conjunctive management, integrated management, the sustainability principle, the principle of prevention or minimization of environmental harm and the principle dealing with the interpretation of the Berlin Rules. Most particularly he turned his attention to a very important mechanism for effective implementation of water law in international and domestic sphere, namely impact assessments. At this point he reiterated his conviction about the necessity of systemic governmental and self-capacity building by the preparation of well-educated lawyers. At the end of his presentation Professor Równy renewed his appeal to academics to encourage postgraduate students to embark on studies for sustainable water utilization and management.

Detailed discussions followed the presentation of all of the scheduled papers. The participants paid attention to the significance of water policy for the European Union countries embodied in the Water Framework Directive, Sewage Directive and other documents and emphasized the urgent need to duly implement the EU's standards into Polish law and practice. They also emphasized necessity of the creation new legal acts and instruments to implement the European Union law in Poland.

In response to questions from the floor, Professor Gromiec acknowledged the difficulty which many EU members have in implementing the water directives. Professor Frankiewicz added that the Water Framework Directive forces member states into action to protect water by integrated and multi-disciplinary activities. Professor Mikulski sought to address the fears of those concerned with the potential damage to environment caused by increased use of Polish inland watercourses for domestic and international navigation. Finally, Professor Równy affirmed that in addition to international treaties there are a lot of regional treaties, which give a very important foundation for international cooperation. He also expressed satisfaction that so many of the seminar's participants accepted the need for an interdisciplinary approach to the water resources problem and for better integration of governmental and local activities in this field.

In my view interdisciplinary and integrated approach of this seminar is to be commended. It has contributed much to clarify problems of water utilization and management. This approach properly used could contribute to be the most effective sustainable water use and management.

Alicja Tunk

BRANCH REPORTS

Argentine Branch

March 23rd., 2006. **"Similarities and Differences between Praxis and Rules regulating the Financial System"**. Lecturer: Dr. Ernesto FERREYRA, expert in financial law. He analysed the Rights of Consumers' Act, many times violated by a number of Banks in their operations by inclusion of items such as interest rates and compulsory debits, among others. He also severely questioned the usual practice of the so called "loans for housing" on the basis, again, of the lack of consent by debtors regarding the variable interest rate usually applied by financial institutions beyond the frame of the respective contractual agreement. Finally, Dr. Ferreyra gave precise examples of recent judicial decisions of different law courts in favour of the legitimate rights of consumers and users who had judicially sued the different banks or financial institutions.

June 28th., 2006. **"Roman Law and History in view of Latin American Integration"** by Dr. Ricardo RABINOVICH-BERKMAN, a distinguished professor of Roman Law at the Universidad del Museo Social Argentino.

June 30th., 2006. **"Argentina and Chile. Their Economic Integration. A historical challenge"** by Dr. Gonzalo PEREYRA de OLAZÁBAL, former Chairman of Foreign Investments.

July 17th. - **"Banks, Pesification and Devaluation in Argentina"** by Dr. Juan José BRUCHOU, Chairman of Citibank N.A. in Argentina. Dr. Bruchou is a distinguished lawyer who has successfully been Chairman of the Citibank N.A. in Venezuela, in Malaysia and since 2002 in Argentina. Therefore, he is both a significant actor and privileged witness of the financial crisis taking place in our country between 2002 and 2005. He made a deep analysis of the social and economic situation in

Argentina, before and during the crisis up to the present times, establishing its causes and remedies used to neutralize it, and made reference at the same time to the pending task necessary for a complete recovery of the financial sector in our country.

American Branch

Details of forthcoming events to be hosted by the American Branch of the ILA are contained in the "Announcements and Forthcoming Events" section of this Newsletter

French Branch

La Branche française de l'Association de Droit International a entendu :

- Le 23 janvier 2006, une communication de Monsieur le professeur Yves Daudet, secrétaire général de l'Académie de droit international sur « L'Académie de droit international de La Haye ».
- Le 3 avril 2006, une communication de Monsieur François-Xavier Train, Agrégé des facultés de droit, Professeur à l'Université de Franche-Comté, sur « Arbitrage international et déni de justice ».
- Le 15 juin 2006, une communication de Monsieur Laurent Grosse, Directeur de la Gestion et du Budget à Interpol, sur « Considérations sur le statut juridique de l'O.I.P.C.-Interpol ».

German Branch

The German Branch held its annual meeting on June 30, 2006, which was well attended despite the parallel world cup football game between Germany and Argentina.

The outgoing President of the Branch, Professor Boeckstiegel, reported about the Toronto Conference which, in his and in the view of all those who could attend, had been a very successful one.

Since Professor Boeckstiegel, Vice-President of ILA, did not stand for re-election after 13 years as President of the German Branch, members elected

Professor Torsten Stein as President and Professor Rainer Hofmann as Honorary Secretary General, replacing Professor Stein in that position. Prof. Bernd von Hoffmann and Mr Hilmar Reaschke-Kessler, Advocate at the German Supreme Court, were re-elected as Vice-Presidents, as well as Prof. Hobe as Treasurer.

During the academic program, Dr Karin Oellers-Fahm spoke about "The ICJ and the 'Gap' between the Prohibition of the Use of Force and Self-Defense - Anything New in the Case of Congo v. Uganda?" and Professor Rainer Hofmann about "Individual Claims of Compensation for Victims of War"? Both presentations stirred a lively discussion among those present.

Hellenic Branch

It has been a busy year for the Hellenic Branch! With our membership covering almost all international lawyers active in Greece, we are particularly pleased to see our (well-attended) activities multiply and expand. And we are also happy to welcome for the first time a significant number of student members, who enrich with their fresh look our discussions.

We started on 6 October 2005 with a major conference in Thessaloniki on international criminal justice as a mechanism for the implementation of international law, co-organised with the Institute of International Public Law & International Relations. Among the many distinguished speakers, we were pleased to welcome interventions by younger members of the academic community, thus blending different generations of international lawyers. Under the chairmanship of Professor Kostas Hadjikonstantinou (Aristotle University of Thessaloniki) and on the general topic of The proliferation of international/internationalised criminal instances: Towards an international criminal legal order?, Professor Antonis Bredimas (University of Athens) discussed the US attitude towards the International Criminal Court, once Professor Stelios Perrakis (Panteion University) had pre-

sented his overview of the first steps of the ICC. Professor Kostas Magliveras (University of the Aegean) discussed the exceptions to jurisdiction under Article 98 paragraph 2 of the ICC Statute and the issues arising from bilateral agreements under it whereas the President of the Hellenic Branch, Professor Photini Pazartzis (University of Athens), reviewed the experience acquired by internationalised or hybrid criminal courts and tribunals as a species of provisional criminal justice. Before the animated discussion that followed, Dr. Maria-Daniella Marouda (Panteion University) intervened with her thoughts on whether the international legal order is threatened by the proliferation of courts and tribunals competent to adjudicate on violations of humanitarian law.

In the second panel on Criminal jurisdiction in the international legal order, it befell to the Chair, Professor Paroula Naskou-Perraki (University of Macedonia) to present the excellent paper by Professor A. Yokaris (University of Athens) on the principle of complementarity in international criminal proceedings, as he was unable to attend. Dr. Maria Gavouneli (University of Athens) discussed universal jurisdiction as a system of decentralised enforcement of international criminal law whereas Dr. Yannis Naziris (Aristotle University of Thessaloniki) and Dr. Yorgos Kyriacopoulos (University of Athens) intervened commenting on the interaction between universality and complementarity in ICC jurisdiction and issues pertaining to international criminal jurisdiction in cyberspace, respectively.

During the final panel on The contribution to the evolution of international criminal law by international criminal courts and tribunals, Professor Kostas Antonopoulos (Democritus University of Thrace) discussed the definition of crimes against humanity whereas Dr. Nicos Zaikos (University of Western Macedonia) talked about genocide and the international community's collective memory. There were several very interesting interventions: by Dr. Aristotelis Konstantinidis (Aristotle University of Thessaloniki) on terrorism

under international law; by Dr. Eleni Micha (University of Athens) on individual criminal responsibility and superior's orders; by Dr. Yannis Stribis (Democritus University of Thrace) on the confidentiality of testimony and evidence before international criminal courts and tribunals; and by Mr. Michalis Vagias (Centre for Economic International & European Law) on the use and practice of plea-bargaining in international criminal law. The conclusions of this full day were expertly presented by Professor Kalliopi Koufa (Aristotle University of Thessaloniki), Director of the Institute and member of the Board of the Hellenic Branch. The papers presented during this very successful event will be published by Sakkoulas in Thessaloniki, Greece.

In January 2006 the Hellenic Branch was honoured to welcome to Athens for a series of lectures Professor Alan Boyle (University of Edinburgh). In a well-attended dinner, organised with the Hellenic Association of Maritime Lawyers, Professor Boyle talked about Unilateralism in the Law of the Sea and participated in a lively discussion with practitioners in the field. We were very pleased to have him back in Athens in April 2006 for the final meeting of the ILA Committee on Transnational Enforcement of Environmental Law. In the presence of several of its members (including those coming from Russia or even Japan), all three co-rapporteurs – Dr Christophe Bernasconi of The Hague Conference on Private International Law, Professor Gerrit Betlem (University of Southampton) and Dr. Maria Gavouneli (University of Athens) – and also, by a carefully orchestrated coincidence present in Athens, Dr P.S. Rao, the International Law Commission's Special Rapporteur on Liability for Injurious Consequences of Acts Not Prohibited by International Law, the committee discussed and drafted its final report, later presented at the Toronto Conference by Dr Bernasconi and Dr Gavouneli (currently available at the ILA website).

Hot in the aftermath of the Toronto Conference, the Hellenic Branch organised in Athens a major international conference on New Challenges to the

Global Economic Order, under the auspices of the Hellenic Ministry of Economy and Finance and the Hellenic Bank Association. Following a comprehensive opening address by Professor Ploutarchos Sakellaris, Chairman, Council of Economic Advisers, Hellenic Ministry of Economy & Finance, the first part of the meeting dealt in matters pertaining to the World Trade system, its institutions and rules. Under the inspiring chairmanship of Professor A.A. Fatouros (University of Athens), Professor Petros Mavroidis (Columbia Law School / University of Neuchâtel) reviewed the WTO at Ten: sum, ergo... Dr. Werner Zdouc, Director, WTO Appellate Body Secretariat, being unfortunately detained in Geneva, Professor Antonis Bredimas (University of Athens) discussed the current state of freedom of international trade and food safety after the WTO Panel Report on Genetically Modified Organisms whereas Ms Katia Yannaca-Small (Legal Advisor, OECD) talked about the development of international investment law.

During the afternoon session on the Evolving international and European financial architecture, Professor Mario Giovanoli (University of Lausanne) discussed the international financial standards whereas Professor Cynthia Lichtenstein (Boston College Law School) presented her thoughts towards a new governance of the International Monetary Fund. In a lively presentation, Dr. Emilios Avgouleas (University of Piraeus) talked on the economic aspects of the debate and international securities regulation beyond the Washington consensus; Professor Christos Gortsos (Panteion University), vice-president of the Hellenic Branch, presented the European financial architecture; and Dr. Christos Hadjiemmanuil (LSE) commented on the European Commission's post-FSAP White Paper towards a deeper European financial integration. The interesting discussion over Professor Fatouros' conclusions continued during the excellent dinner at the terrace of the Athens City Hall upon the gracious invitation of the Mayor of Athens. It was a very enjoyable conference, expertly organised by Professor Photini Pazartzis, President of the Hellenic

Branch. A publication will naturally follow.

Indeed, on a final note, the Hellenic Branch welcomes the publication by Martinus Nijhoff in their prestigious Ocean Development series of the new book edited by Dr. Anastasia Strati (Hellenic Ministry of Foreign Affairs), Secretary-General of the Hellenic Branch, and Dr. Maria Gavouneli (University of Athens), Treasurer, with Dr. Nikolaos Skourtos, Director of the Aegean Institute on the Law of the Sea and Maritime Law, on Unresolved issues and new challenges to the Law of the Sea: Time before, time after (for information visit: www.brill.nl) This is the first publication of the Hellenic Branch in recent times and we look forward to a long series of such contributions to international law.

Indian Branch

REPORT ON ANNUAL SEMINAR HELD ON SUNDAY THE 26TH MARCH, 2006

The International Law Association (Regional Branch, India) on Sunday, the 26th March, 2006 organized a Seminar on the eve of 72nd Biennial Conference to be held from 4th to 8th June, 2006 in Toronto, Canada. Two topics (1) International Law on Sustainable Development and (2) Emerging trend in the Enforcement of Arbitration Awards, were discussed. The Seminar was inaugurated by Hon'ble Mr. Justice Y.K. Sabharwal, The Chief Justice of India and President of the Indian Branch. The inaugural session was also addressed by Hon'ble Mr. Justice K.G. Balakrishnan, Judge Supreme Court of India, Mr. Milon Kumar Banerji, Attorney General for India and Vice-President, Indian Branch, Hon'ble Mr. Justice Vijender Jain, Judge, Delhi High Court and Hony. Secretary of Indian Branch and Mr. Pravin H. Parekh, President, Supreme Court Bar Association and Hony. Organizing Secretary of the Branch.

In his inaugural address, Hon'ble Mr. Justice Y.K. Sabharwal said compared

to other branches of Law environmental law is of recent origin. But now there is proliferation of environmental laws operating in various fields. The most significant development has been the international recognition of the need for the protection of the environment. He said Science and Technology played a vital role in finding out the solutions to these problems. The assimilative capacity approach assumes that science can provide policy-makers with the information and means necessary to avoid environmental hazards. In his special address, Hon'ble Mr. Justice K.G. Balakrishnan the Senior most Judge of Supreme Court of India highlighted the importance of the two topics in the present scenario. He said the plea for sustainable development emerged in the Stockholm Conference in 1972 that marked a watershed in the history of environment management and the Conference is of special importance to India as the concern for environmental protection assumed importance only thereafter. Highlighting the importance of the topic Emerging Trend in the Enforcement of Arbitration Awards, Mr. Justice Balakrishnan said the Trade and Commerce between the citizens of one country with another country have become so common that disputes are bound to arise and unless we have an easy and efficacious remedy to enforce the awards, it would have a disastrous effect on the International Trade and Commerce. International Conventions and Seminars have to evolve policies and programmes which are acceptable to all countries. Mr. Parekh's tireless efforts in organizing the seminar were highlighted by the Hon'ble Chief Justice and President and others.

The first working session on International Law on Sustainable Development was chaired by Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India and the speakers were Mr. Keshav Dayal, Senior Advocate and Mr. Ravindra Shrivastav, Senior Advocate. Mr. Keshav Dayal said it will be seen that the Rio Declaration on Environmental Protection and the later affirmation thereof goes a long way in fulfilling the cherished ambitions of mankind. The

said principles are guiding and a source of beacon light for the future generation to follow. Mr. Shrivastav also stressed the need to keep the natural resources intact for the future general so that the future generation should not feel scarcity of the natural resources.

The second working session on Emerging trend in the Enforcement of Arbitration Awards was chaired by Hon'ble Mr. Justice Arijit Pasayat, Judge Supreme Court of India. The speakers were Mr. Goolam E. Vahanvati, Solicitor General of India and Mr. A.K. Ganguli, Senior Advocate, Supreme Court of India. Mr. Vahanvati pointed out that there are many lacunae in the Arbitration and Reconciliation Act 1996 and as such most of the countries are avoiding coming to India for Arbitration. Courts in India liberally grants stays which makes parties run from one court to another. He said the Appellate Courts will have to ensure that, except in very rare cases, there would not be unconditional stays. Mr. Ganguli explained how this Act without any debate was passed by the Parliament. He informed the members that it was not discussed or even sent to the Consultative Committee resulting in many lacunae in the Act. He stressed that until the lacunae are removed by amendments, the difficulties remain and no foreign country would prefer to come to choose India for Arbitration.

At the end a General Body meeting was held. It was presided over by Hon'ble Mr. Justice K.G. Balakrishnan. Some ILA centers presented their Reports. Written reports were taken on record. Mr. Pravin H. Parekh explained to the ILA members and others who attended the meeting about the 72nd Biennial Conference to be held at Toronto. They were advised to send their Registration to the Conference Secretariat as soon as possible.

At the Biennial Conference the highest number of delegates (other than the host country Canada) were from India. Hon'ble Mr. Justice Y.K. Sabharwal the Chief Justice of India and President of Indian Branch, co-chaired the plenary

session and presented a paper. He also conveyed thanks to the Canadian Branch for having organized a very successful and wonderful conference.

The meeting ended with a vote of thanks to the Chair.

TRIBUTES

Professor Louis B. Sohn

It is with considerable sadness that the ILA notes the death of Professor Louis Sohn on Wednesday 7 June 2006 at the age of 92. Professor Sohn was an internationally renowned scholar of international law. He was a key player in the 1945 San Francisco Conference which led to the creation of the United Nations and contributed to the development of international human rights law and environmental law. Professor Sohn was a member of many international law organisations and was a past president of the American Society of International Law. Professor Sohn was a member of faculty at Harvard Law School for 39 years and also taught at the University of Georgia and George Washington law schools.

We would welcome recollections from individuals who knew Professor Sohn for inclusion in the next issue of the Newsletter.

Mr Michael Gruson

It is with sadness that I inform you of the passing of our former partner, Michael Gruson. Michael, a key figure in international banking and capital

markets, died in New York on December 20, 2005.

He was a well known and highly respected attorney practicing in the United States and Germany. A noted specialist in foreign banking and securities law, he represented government-owned and private European, Asian and Latin American banks and companies, as well as helping to usher in commercial relations between the United States and Germany. Michael was fundamental to the establishment in New York of many foreign banks, including the Bank of China and Credit Anstalt. He was a pioneer in international law, and helped inaugurate Shearman & Sterling's German practice. He was very instrumental in developing the firm's foreign associate program in which many well-known lawyers and business executives participated, including the General Counsel of the Frankfurt stock exchange.

Born in 1936 in Berlin, Michael received his legal education in Germany (University of Mainz, School of Law, Freie Universitat, Berlin), and in the United States (Columbia University). He joined Shearman & Sterling in 1965 and was elected to partnership in 1973. He practiced in the firm's New York and Frankfurt offices.

He was the author and co-author of several seminal books in international banking, including *Legal Opinions in International Transactions* (3rd ed 1997, 4th ed), *Sovereign Lending: Managing Legal Risks* (1984), *Regulation of Foreign Banks -- United States and International* (3rd ed 2000, 4th ed.), *United States Securities and*

Investments Regulation Handbook (1992) and *Acquisition of Shares in a Foreign Country* (1993). He also lectured widely and published articles on conflict-of-laws, US and European banking law, legal opinions, international securities law and international monetary law issues.

Michael was a visiting fellow at the Centre for Commercial Law Studies, Queen Mary College, University of London, and visiting professor at Bucerius Law School, Hamburg, Germany. He was a member of the Committee on International Monetary Law of the International Law Association and of the Committee on Banking Law of the International Bar Association. He was a past vice chairman of the Committee on Banking Law, and past chairman of the Subcommittee on Legal Opinions of the Committee on Banking Law (1984-1995) of the International Bar Association. He was also a member of The American Law Institute.

Michael sat on the Boards of the Blue Rock School, the Center for Transnational Legal Studies, the Society for the Study of Myth and Tradition and the Gurdjieff Foundation.

He is survived by his wife, Hiroko, sons Rudolf, Andreas, Sebastian, Matthias, Florian and Konrad, and grandchildren Luis, Manuel, Alexander, Sebastian, Federico Hermann and Sophia. Any donations should be made to the New York Brain Tumor Project of the Cornell Weill Medical College, 525 East 68th Street, New York, New York 10021 in honor of Mr. Michael Gruson and in care of Dr. Susan C. Pannullo.

ANNOUNCEMENTS AND FORTHCOMING EVENTS

The American Branch's 2006 International Law Weekend 2006 will be held on Thursday-Saturday, October 26-28, 2006, at the Association of the Bar of the City of New York (42 West 44th St, New York, NY). The theme this year is "The Evolving World of International Law." The event will explore the rapid evolution of public and private international law and the resulting consequences for the global legal environment. In more than 20 panels, experts will lead interactive sessions dealing with such topics as the increasing importance of international courts, escalating tensions between state sovereignty and human rights, the reasons for and consequences of the U.S.'s changing relationships with the rest of the world, and the importance of professional organizations in holding a mirror to power. Jose Alvarez, Hamilton Fish Professor of International Law & Diplomacy at Columbia University School of Law and President of the American Society of International Law, will deliver the luncheon address on Saturday, October 26. For further information, please contact the co-chairs, Prof. Peter K. Yu (peter_yu@msn.com) or Lorraine Brennan (lbrennan@uscib.org). Registration information will be posted at the American Branch website, <http://ambranch.org>.

The American Branch's 2007 International Law Weekend West 2007 will be held on Thursday-Friday, February 2-3, at Santa Clara University School of Law, in Santa Clara, California.

The event will explore a range of topics in international scholarship. A series of concurrent panels will explore: the laws of NAFTA and CAFTA; law, society and geography roundtable; the impending extraordinary chambers of Cambodia to try the Khmer Rouge; the challenges of protecting intellectual property abroad; developments in global injunctions/international judicial cooperation; the justice cascade in Latin America; the domestication of international criminal law; climate change litigation, the future of democracy promotion after Iraq; international privacy law; trying enemy combatants; and international law and global pandemics.

The luncheon keynote address, to be announced, is co-sponsored by the World Affairs Council. For further information, please contact Prof. Beth Van Schaack (bvanschaack@scu.edu) or the Santa Clara University School of Law Center for Global Law and Policy (cglp@scu.edu). Registration information will be posted at the American Branch website, <http://ambranch.org>.