

by Mr. Justice P.E. Nygh,

Honorary Secretary, ILA (Australian Branch)

FUNCTIONS IN 1983

The year started with a function in honour of Lord Wilberforce, the Chairman of the Association, on the occasion of his visit to Australia earlier this year. A meeting was held at the Sydney University Law School on 7th February 1983 which was attended by about 70 persons and jointly hosted by the Faculty of Law and the Australian Branch. Lord Wilberforce spoke on the future of the International Law Association. Members were particularly pleased to hear his announcement that the 1984 conference would be held in Paris. After the address, members and their guests had the opportunity to meet Lord and Lady Wilberforce whilst light refreshments were served.

The next function was held on Saturday, 9th April 1983 in commemoration of the 400th anniversary of the birth of Grotius. It took the form of an all day seminar held at the Sydney University Law School in conjunction with the Australian Society for Legal Philosophy. Addresses were delivered on the life of Grotius, his contribution to Roman Dutch law, to the development of the Law of the Sea and to legal philosophy. At the conclusion of the day a dinner was held at an Indonesian restaurant in the city at which the Netherlands Charge d'Affairs and Mrs. Roberts were guests of honour.

The Australian Branch also took part in a seminar on the future of Antarctica which was held on 10th September 1983 in Canberra in conjunction with the meeting of the Antarctic Treaty Council in that city. Papers were delivered by Ms. Triggs and Professor Auburn on behalf of the Australian Branch.

The final function of the year was an end of year party held on 30th November 1983 at the premises of the Australian Institute of International Affairs in Kent Street, Sydney. It was very well attended by over 60 persons.

FUNCTION FOR 1984

The first function for 1984 will be the regional finals of the Jessup Moot which are always supported by the Australian Branch, both financially and by members of the Executive Council acting as judges. This will take place on 17 and 18 February 1984 in Canberra, in the High Court of Australia.

Later in the year the Annual General Meeting will take place possibly in March or April. It may be possible to arrange a prominent guest speaker. Notices of the meeting will be sent around in the next bulletin.

As 1984 is a conference year, there will be a traditional farewell dinner sometime in July to delegates attending the Paris conference. As is our custom, a representative of the French Republic will be invited as the guest of honour. At the end of the year there will be the traditional end of year function.

REGIONAL GROUPS

Although many of the activities of the Branch are conducted in Sydney, we have members throughout the Commonwealth and beyond in Papua New Guinea and New Zealand. To cater for them we have tried to encourage regional groups to further research, social functions and seminars. The existing groups are:

A. Melbourne - The Melbourne group meets under the Chairmanship of Judge John Campton QC of the Victorian Liquor Control Commission. It was for some time very actively engaged on a project dealing with the local enforcement of internal agreements of drug addiction. Subsequently, it was asked to undertake responsibility for the committee on international criminal law which was investigating the possibility of obtaining international agreement on the repatriation of prisoners, a topic in which the Australian government currently has a great interest. Unfortunately, some of the original members of the Melbourne Group have moved out of Melbourne whilst others have found it difficult to continue due to pressure of work. Judge Campton is anxious to hear from local members who are willing to continue the work. He can be contacted at the Liquor Control Commission, 232 Victoria Parade East, Melbourne, Vic. 3002.

B. Brisbane - The Brisbane group is under the Chairmanship of Mr. Justice Douglas of the Supreme Court of Queensland. It has not been active for some years. The Secretary would be very pleased to hear from any person in Brisbane who would be willing to act as convenor of the group.

C. Adelaide - The Adelaide group is under the Chairmanship of Mr. Justice Zelling of the Supreme Court of South Australia. This group also has not been active for some years. Its convenor was Professor James Crawford of the University of Adelaide Law School who has spent the past few years in Sydney as a member of the Australian Law Reform Commission. Upon his impending return to Adelaide we hope that the group will be re-activated.

D. Perth - This group has been active for the past few years under the convenorship of Professor Auburn of the University of Western Australia Law School. It held a very successful meeting on 18th May 1982 in conjunction with the Australian Institute of International Affairs on the Falklands Island/Malvinas dispute which was attended by some 70 to 80 persons. It held a further meeting on 13th July 1983 in conjunction with the Business Law Section of the Law Council of Australia on the Australian/US agreement on Anti-trust matters. Professor Auburn is very anxious to hear of any ILA members who plan to visit Perth so as to enable him to schedule a reception, address or visit to the Law School in suitable cases.

E. Canberra - There is a very active group in Canberra which meets under the Chairmanship of Mr. Pat Brazil, the Secretary to the Attorney-General's Department. It forms the core of our committee on Environmental Law and issued a report to the Montreal Conference on the Legal Aspects of Long-Distance Air Pollution. It will follow this up with a further report on arrangements and problems in the Australian and New Zealand region. It has now started work on a study of marine dumping.

F. New Zealand - Mr. Piers Davies has been acting for many years as our liaison officer in New Zealand. As local membership has grown, there has been increasing interest on the part of New Zealand members in participating in the work of the Branch. This can be done either by individual members joining as corresponding members of the various committees set out below, or by following the example of the Canberra group, by a number of New Zealand members taking responsibility for an entire topic. We would also like New Zealand members to contribute to the newsletter by providing items of interest on international legal topics from New Zealand. Mr. Davies can be contacted at 16 Crocus Place, Remuera, Auckland 5.

COMMITTEES

The Australian Branch has various committees working on specific topics. Some of these are also the subject of research by international committees of the Association. But this need not always be the case. The present committees are:

Human Rights. - This meets under the Chairmanship of Mr. Justice Mahoney of the NSW Court of Appeal. It works in conjunction with the International Enforcement of Human Rights Law Committee which is concerned with specifying minimum standards of human rights to be observed in states of emergency. These include states of emergency arising out of war, insurrection, natural disasters, and military take-overs. The Australian committee has decided to prepare a report on acceptable measures to be taken in a state of emergency arising out of military take-overs.

Environmental Law - Reference has already been made to the work of this committee in relation to the Canberra group.

State Immunity - Professor James Crawford of the University of Adelaide and Ms. Triggs of the University of Melbourne Law School prepared papers on this topic for the international committee which were prepared at the Melbourne conference. The Australian committee is now engaged in commenting on the proposals for a new law of state immunity under preparation by the ALRC under the guidance of Professor Crawford. This has reached the state of a draft bill.

International Criminal Law - The work of this committee has been referred to in conjunction with the Melbourne group. Professor Ivan Shearer of the University of NSW Law School is maintaining a watching brief on recent developments in the negotiations between Australia and several south-east Asian countries on a possible treaty for the repatriation of offenders.

Commercial Arbitration - Mr. Pat O'Keefe of the Sydney University Law School is the convener of this committee. It works in conjunction with the International committee on the same topic and is investigating on its behalf the meaning in this region of the word "international" and the question of the permissibility of "delocalised arbitrations" i.e. arbitrations not tied to any particular place or legal system.

New International Economic Order - This committee was formerly under the Chairmanship of Professor David Johnson who has resigned the position for reasons of health. Mr. David Flint of the Faculty of Law at the NSW Institute of Technology has succeeded him. The topic has an extraordinary breadth by being concerned with an investigation of the continued validity of traditional rules of public international law in the economic area, such as the rules relating to expropriation, sovereignty over natural resources, the resources of the sea, foreign investment and trade relations and the like. The committee has not, so far, embarked on any independent investigation, but has supplied information to the international committee on local developments.

Extraterritoriality - This committee also meets under the Chairmanship of Mr. Flint. It is concerned with the extraterritorial operation of public laws of which anti-trust laws are a prominent example. Other examples are laws dealing with expropriation, or economic retaliation.

Air Law - This committee is currently in abeyance following the resignation of Mr. Cowdroy as Chairman. Mr. O'Keefe is acting as liaison officer pending an investigation of reconstituting the committee. Persons interested in the topic are invited to contact Mr. O'Keefe at the University of Sydney Law School, 173 Phillip Street, Sydney.

Humanitarian Law - A proposal was received from Professor Greig of the Australian National University. We are awaiting Professor Greig's return from study leave in early 1984 to formulate a definite proposal. Persons who are interested in the topic are invited to contact Professor Greig at the Faculty of Law, Australian National University, Canberra.

PARIS CONFERENCE

The 61st Conference of the ILA will be held in Paris from Sunday, 26th August until Saturday, 1st September 1984. The venue will be the Sofitel Hotel, 8 Rue Armand, 75015, Paris and the topics to be discussed will include:

Human Rights, Collisions at Sea, Legal Aspects of a New International Economic Order, International Monetary Law, Exclusive Economic Zone, Medical and Humanitarian Law, Space Law, Recognition and Enforcement of Public Laws, International Water Resources Law, International Commercial Arbitration, Legal Status of Refugees, Right to Food and the Conservation of the Environment.

Registration fees will be US\$300 for participants and US\$200 for accompanying persons. Further information can be obtained from the Administrative Secretariat : SOCFI, 14 Rue Mandar, 75002 Paris.

A preliminary program will be sent to all members of the Australian Branch direct. As the address lists supplied to Headquarters in London was dated June 1983, members who have joined more recently and who are interested in attending the conference might speed up matters by writing to the above address in Paris direct.

The Branch no longer has exclusive arrangements with travel agents. However, agents who have dealt with us in the past have been supplied with the lists of members addresses and been authorised to approach them as approved agents with suggested travel plans. They include Mr. Bob Monihan of Melbourne and Bonar Travel in Sydney. However, the travel arrangements are entirely the

responsibility of individual members. In accordance with past practice, it is assumed that the conference organisers will include a number of hotels at various price ranges in which bookings can be made through the Conference Secretariat.

1986 CONFERENCE

The Australian Branch has been considering for a number of years whether it should extend an invitation to the ILA to hold its conference in this country. The Australian Branch is the second largest and Australians have been prominent attenders of conferences held by other national branches. At the Montreal Conference the Australian Branch indicated that it would give serious consideration to issuing an invitation to hold the 62nd Conference in 1986 in this country. At that stage there were problems arising out of the ban placed by the then Australian Government on contacts with the USSR which would have prevented us from issuing an unqualified invitation to all members as required by the rules of the Association. This difficulty has now been removed. Problems of finance and manpower still remain. As it is clear that the invitation will have to be extended no later than 1st September 1984, the Executive Committee of the Branch will meet in early 1984 to resolve the matter. If members feel that they can assist either in tapping possible sources of finance or in supplying manpower or both, they are invited to contact the Secretary.

REPORTS OF CONFERENCES

Some copies of the proceedings of the 58th conference held at Manila in 1978, 59th conference held at Belgrade in 1980 and a large number of copies of the proceedings of the 60th conference held in Montreal in 1982 are available from the Secretary. They will be sent free of charge to any financial member who requests the same from the Secretary.

MARTIN PLACE PAPERS

Apart from this publication, the Branch has embarked on a programme of publications through the Martin Place Papers. Two papers to date have been published, one on Foreign Investment and the New International Economic Order, and the other on the Law of the Sea.

HEADQUARTERS NEWS, LONDON

Membership Address Lists

Lists of all members of the ILA have been published and are being sent to all members.

Australian membership of International Committees

New appointments were:-

International Commercial Arbitration - Mr. P. O'Keefe.

Legal Status of Refugees - Dr. Guy Goodwin-Gill.

Transnational Recognition and Enforcement of Foreign Public law - Mr Justice P. Nygh, alternate Mr. David Flint.

Other Branches

The Czechoslovak Branch was re-established: it was reported with regret that the Hong Kong Branch was defunct; and a new Singapore Branch was founded. The officers of the Singapore Branch are:

President - the Hon. Mr. Tan Boon Teik, Attorney-General.
Vice President - The Hon. Mr. Justice Lai Kew Chai.
Hon. Treasurer - Mr. Henry Elias.
Hon. Secretary - Mr. Chao Hick Tin.

Mr. Jeremy Carver, who played an active role in the formation of the Branch, represented it at a meeting of the ILA Executive Council in Brussels in October 1983.

ILA/European Study Conferences Seminar

The Seminar on "Extraterritorial Exercise of Jurisdiction and Responses Thereto" held on 11-12 May 1982 was a considerable success. The proceedings will be published.