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Chairman's Report of Section of International Law American Bar Association

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Chairman's Report

Section of International Law

American Bar Association

I hereby submit my report on the activities of the Section of International Law during the Association year 1978-79, the forty-sixth year since its organization in 1933 (in succession to certain international and foreign law committees of the Association, the first of which was organized in 1878, the year of the Association's foundation). Our numbers continue to increase, reaching 8326 as of September 1, 1979, of whom 1095 are law students and 214 are international associate members.

Resolutions. During this past year, the Section was responsible for a considerable number of resolutions which were approved by the House of Delegates, including those passed with respect to the UN Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights in Atlanta in February; the American Convention on Human Rights in Dallas in August; proposed treaties with Canada on arbitration of certain classes of intergovernmental disputes and on enhanced access, in environmental cases, of each other's citizens to each other's courts; legislative restrictions on United States contributions to international financial institutions; and several other matters.

Meetings and Principal Educational Programs. The Section has slightly changed its cycle of meetings. Our annual meetings are set by the calendar of the Association. We concluded last year with a very successful educational program in New York in August under the chairmanship of my predecessor, Henry King. The new cycle commenced with a meeting of the officers of the Section in September in Washington. Our mid-winter meeting in Puerto Rico in December featured an educational program on the politics and law of the Caribbean Islands. Future mid-winter meetings will be in January. Our next one will be in Puerto Vallarta, Mexico, January 11-15; there will again be an education program—on Mexico—and all Section members will be invited. Our spring meeting was held, as is our regular practice, in conjunction with the annual meeting of the American Society of International Law in

Washington in April. We did a separate educational program as well—on Mexico. Richard Baxter, newly appointed judge of the International Court of Justice, gave a talk on existing resolution of international disputes, "Two Cheers for International Adjudication," at the traditional joint luncheon of the Section and the Society. We are examining the precise relationship of our future spring meetings and the Society's annual meetings. We had a rather full business and educational annual meeting in Dallas this August. Lyon Brinsmade of Houston, Chairman-Elect of the Section, and John Higgins of Dallas are to be thanked for acting as co-chairmen of the program.

We had many other educational programs throughout the past Association year; and many are planned for the coming year. Stanley Stairs of New York, the new chairman of our Committee on Continuing Legal Education, is to be thanked for the national institute on Doing Business in Latin America which he ran, with his colleagues, in New York at the Waldorf-Astoria last November; John Houck of Cleveland, a new member of the Council, is to be thanked for the program which he ran in cooperation with others on International Patent and Intellectual Property Licensing in April in Washington. We look forward to national institutes on international banking, February 14-15 1980, in New York, and international estates in Chicago in November, 1980. Mark Joelson, Terry Cone and others are organizing, in conjunction with the Antitrust Law Section and a group of European lawyers, a program on anti-trust law in London, Brussels and Luxembourg this September, and Len Theberge is hard at work on a seminar on codetermination to be held at Ditchley Park in England in May, 1980.

Other Events. In some ways this was the year of China for our Section. Several of us went with the leadership of the American Bar Association to China in July, 1978 and Henry King led a Section delegation of twenty-four to China last November; these trips were the result of efforts undertaken by our Section in the past. We have formed a committee on the People's Republic of China (PRC). Significantly, it has been designated by the American Bar Association as the coordinating entity in matters related to the PRC for the entire Association. It plans a newsletter, a book and other activities.

We have attempted to reorganize our ample activities in the field of human rights, along the lines of an excellent report produced by an ad hoc committee chaired by Charlie Brower. Bruno Bitker's contributions to the Section's human rights activities were recognized at our annual meeting. As a result of the Brower committee, it appears that the President of the ABA will delegate to the Section substantial responsibilities in the field of human rights, thus regularizing this matter.

We have decided upon a major reform of the International Legal Exchange Program (ILEX). The scope of the program, which has been run by Charles Norberg in recent years and to whom we owe many thanks, will be changed. Jim Tuttle of Troy, Michigan and a committee of section officers and others will supervise the program, which will also be assisted by an enlarged section staff. We will advertise the existence of the renovated International Legal Exchange Program to other sections and seek their support.

The International Lawyer, under editor-in-chief Frank Ruddy of Houston, is undergoing renovation and reorganization. Frank's first issue appeared some months ago. There are now three associate editors, two advisory boards, and a student component from UCLA. The format has been changed and our enhanced commitment to business and practical matters, although not to the entire exclusion of public and policy matters, is slowly being realized. Much has been done; more remains to be done.

Steps have been taken to change the direction of the *International Law News* and I am confident that these will continue.

The Section has commenced an effort to strengthen the contribution of the American Bar Association, the private bar generally, and indeed the government of the United States to the development of private international law and expects to make a major effort in the coming year. Various officers of the Section were privileged to participate in extremely interesting briefings on Strategic Arms Limitation Treaty (SALT) at the Arms Control and Disarmament Agency and at the White House this last year, and an exceedingly interesting program on SALT featuring Paul Warnke and Elmo Zumwalt and others was held at the annual meeting.

Our publications program continues apace, and has become a principal source of income to the Section.

Committees. The committees should be the backbone of the Section. It needs strengthening. Some committees are very active. I would especially like to commend the Far East Law Committee under the chairmanship of Charles Routh, which continues to produce an excellent newsletter at very little apparent expense. I should also note that Ed Finch, who has been an extremely active chairman and co-chairman of our Committee on Aerospace Law, retired this year.

Other Dimensions. One of the responsibilities of the Chairman and his colleagues is to constantly attempt to realize the full potential of the Section. My predecessors and I have attempted to involve former chairmen of the Section actively. This year Ed Re agreed to assist with recruiting members for the International Bar Association from our membership, Vic Folsom and Max Chopnick have begun to serve as historians of the Section, Pat Murphy has served as chairman of our Committee on the Year 2000 of which Ben Busch and Vic Folsom are also members, Dick Brown has served as the chairman of our Ad Hoc Committee on SALT, Harry Inman has been, as for the last several years, our Section's representative on the Secretary of State's Advisory Committee on Private International Law, and Don Duvall has been our very active Section Delegate.

I must mention the Committee on the Year 2000. The work of this committee, which is to report to our Long Range Planning Committee, will hopefully produce a final report next year, in line with the statement of goals prepared by our former chairman Dick Allison some years ago. The Section may establish a committee to comment on the third edition of the Re-Statement of Foreign Relations Law, being prepared by the American Law Institute. Robert Herzstein of Washington chaired a committee which has given a pre-

liminary report on ways to enhance the qualifications, training and communication inter se of the very many positions (in the executive, legislative, and judicial branches of our government and in international agencies to which the United States government makes appointments) where an international legal background may be beneficial. We had a first meeting with general counsels of such agencies in Washington and expect to have more. As noted, we have 1095 law student members. I believe this represents the largest percentage of law students in the membership of any section in the American Bar Association.

Administration and Status of Section. Changes and improvements in the management of our Section, which began some years ago, continued this year. We are continuing to refine the operation of the Long Range Planning and the Administration Committees, and the Council itself. My successor, Len Theberge, has indicated that he wishes to govern through a "cabinet" of the last retiring chairman, chairman and chairman-elect to maintain the continuity and direction of the Section. The nominating process requires and will receive some attention. Mr. Brinsmade has suggested that the divisions of the Section be slightly reorganized and this will be considered again this next year. Changes seem to be in order at the staff level. As the Section has grown, as the volume of its activities has spiraled, and as its relationship with other bodies within the American Bar Association and beyond has become increasingly complex, this matter becomes more urgent. Like my predecessors, I cannot begin to say how grateful we are to Marilyn Neforas, our liaison in Chicago. Unlike most of my predecessors (because the position of attorney-consultant is rather new), I have to say how grateful we are to Eddie Dick, our Attorney-Consultant. With the absorption of the International Legal Exchange Program into the operations of the Section we will immediately add a part-time secretary. Len Theberge has also announced his wish to further strengthen and centralize our staff. This next year we expect to take major steps to implement reforms in our budget process, a most important instrument of management, even in a voluntary organization. We continue to clarify our relationships, substantive, financial and otherwise, with other components of the Association, as well as learned bodies outside the Association.

Acknowledgments. At this point let me formally acknowledge the many services to the Section of Beverly May Carl, stepping down as Vice Chairman, and of Henry King and Peter Trooboff, formally leaving the Council, Mont Hoyt, our secretary this past year, and liaisons Eli Whitney Debevoise and Glenn Sedam, and Harry Inman, former Chairman who has served as our representative to the Secretary of State's Advisory Committee on Private International Law for a number of years, all of whom have stepped down this year.

Last year's chairman-elect, our current chairman Len Theberge, acted as my deputy and collaborator throughout the past year. I know that Len and our new chairman-elect, Lyon Brinsmade, will collaborate in the same

fashion. I want to thank them both, and the other officers and the committee chairmen and members and others who were so helpful this last year. Let me also reiterate that committees, officers of the Section and their activities exist for the members and the bar — their continuing participation is solicited.

The United States is a very important part of the world; the world has become very important to the United States. Lawyers play a very important part in the United States; as international law, including all legal aspects of international commercial and other intercourse, becomes increasingly important our Section stands at an important crossroads. Each year we must improve our performance.

I have enjoyed my year as Chairman.

DON WALLACE, JR.
Chairman
September 1, 1979

