

The Chairman's Annual Report, 1974-1975

This a summary of the activities of the Section of International Law during 1974-75, the 42nd year since its organization by Dean John H. Wigmore in 1933. The year has been productive. By June 30 Section membership had increased to 6,748 members, including 5,383 lawyer members, 1,314 students, and 51 associate members. Total membership has nearly doubled since 1970, outstripping the rate of growth of the Association as a whole. Law student membership quadrupled during this five-year span.

Organization

The Section's activities were carried on by 60 committees organized into five divisions, each headed by a Section vice-chairman. Thirteen committees comprise the International Law division, fifteen are in the Comparative Law division, eight within the International Trade and Investment Law division, five in the International Organizations division, and nineteen committees in the General Committees division. Some organizational streamlining was accomplished by the abolition of four committees, the merger of two committees, the renaming of one, and the establishment of one new one, the Committee on International Legal Exchange. Most committees prepared annual reports of their activities, available from ABA headquarters.

The Section and Council met at the Annual Meeting in Honolulu, August 12-16, 1974, and at the Spring meeting in Washington, D.C. April 25-26, 1975. The Council also held a mid-year meeting in Los Angeles December 7-8, 1974. Both Section and Council met again in Montreal August 9-13, 1975. Minutes of all meetings are available to any person upon written request to the Division of Legal Practice, ABA headquarters, Chicago.

House of Delegates Submissions

At the August 1974 Annual Meeting in Honolulu, the House of Delegates approved a Section resolution urging that the United States vote against the United Nations Charter of Economic Rights and Duties of States if the Charter did not provide that states must act in accordance with international law. The

United States did vote "no" on the issue during the December session of the U.N. General Assembly.

At the Association's mid-year meeting February 24-25, 1975, in Chicago, the House of Delegates adopted the Section's recommendation that the ABA urge early ratification by the Senate of the Treaty between the Swiss Confederation and the United States on Mutual Assistance in Criminal Matters. The House adopted a second Section recommendation supporting United States adherence to the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents.

The House also took a landmark step in ABA policy toward international human rights. It approved a Section recommendation to affirm the need for an independent judiciary and the independence of lawyers in the international community, to express ABA concern toward reported threats to such independence in a number of foreign countries, and to make this concern known in appropriate ways. Dramatic reports of the intimidation and arrest of lawyers because of their representation of individual clients supported the resolution.

At the Association's Annual Meeting August 11-15, 1975, in Montreal, the House of Delegates adopted other recommendations of the Section. One was to reform the archaic provisions of Section 592 of the Tariff Act of 1930, relating to false or erroneous import statements. The draconian nature of the existing penalty procedure has been subject to severe criticism throughout the United States business community. The detailed reforms would establish civil customs penalties of a reasonable amount, set up administrative procedures using elementary due process, and permit a court trial *de novo* in the event the Customs Service finds a violation.

The House of Delegates also adopted a recommendation that the Section provide coordination of various ABA activities relating to the United States Bicentennial year.

Through initiatives of individual members of the Section, together with support of both the Council and the Section, the ABA Assembly and the House of Delegates adopted a resolution endorsing the interpretation of the U.N. Charter to prohibit expulsion of any U.N. member state except through action by the Security Council. The resolution was intended to assist United States efforts on behalf of Israel and other nations threatened with political retribution in the U.N. General Assembly.

Two further Section recommendations were withdrawn so that additional lobbying efforts could be undertaken. One favors United States accession to the International Convention on the Elimination of All Forms of Racial Discrimination, and the other recommends United States adherence to the Hague Convention on the Law Applicable to Products Liability.

Continuing Legal Education

The Section presented two National Institutes during the year. The first, "Customs, Tariffs and Trade II," was held in San Juan on January 30-31, 1975. It was followed by a conference on April 28-29, 1975 in Washington, D.C., entitled "East-West Investment," which examined the changing economic and legal environment in Eastern Europe.

On October 2-3, 1975, the Section will sponsor a National Institute in Chicago on the subject of "Current Legal Aspects of Foreign Investment in the U.S." The Council has approved sponsorship of a second National Institute February 19-20, 1976 in Washington, D.C. on the topic of "Current Legal Aspects of Doing Business in the Middle East."

The Chairman has recommended to the Council that, in the future, such sponsorship be limited to no more than one per year.

Programs at the Section's 1974 Annual Meeting in Honolulu featured the topics of "Law and Business in Asia," "Peaceful Resolution of International Economic Disputes" and "Advising Foreign Investors on Investment in the U.S." A symposium at the Spring Meeting in Washington, D.C. on April 25, 1975, analyzed the subject of "Control of International Restrictive Business Practices."

Themes of the 1975 Montreal Annual Meeting programs were "Foreign Investment in Canada," "Practical Aspects of Doing Business in Canada," and "International Estate Planning." The Section cooperated in presenting an ABA Presidential Program on U.S.-U.S.S.R. aerospace law which featured representatives of space agencies of the two countries, including A. V. Filipchenko, a cosmonaut, and Alan Bean, an astronaut.

Headline speakers at the Annual Meeting included Donald S. Macdonald, Canadian Minister of Energy, Mines and Resources, Richard Murray, Commissioner of the Canadian Foreign Investment Review Agency, and Sean MacBride, U.N. Commissioner for Namibia and recipient of the 1974 Nobel Peace Prize. Secretary of State Henry Kissinger addressed the opening Assembly August 11, devoting his entire attention to the role of international law in the world political picture. This was the first major address on the subject by a United States political figure of his stature in many years.

Publications

Eberhard P. Deutsch retired during the year as editor-in-chief of the Section's quarterly scholarly periodical *The International Lawyer* after six years in command. From among more than a dozen candidates for the post, Alwyn V. Freeman was elected the new editor-in-chief on the recommendation of a special committee appointed to search for a successor. The Section's breezy

newsletter *The International Law News* was expanded and modernized with new typography. It reports current information concerning Section activities, plus up-to-the-minute developments in the international law field. Both publications are distributed free to all Section members.

Four books were published by the Section during the year:

Commercial Treaty Index, 2d edition (214 pp. \$17)

Business Transactions With the USSR (562 pp. \$30)

Current Legal Aspects of Doing Business in Black Africa (174 pp. \$15)

Multinational Corporation Checklist for Subsidiaries (120 pp. \$10)

Special Programs

The International Legal Exchange Program continued its active efforts to arrange exchange visits and placements involving individual lawyers and judges, and law offices, in the United States and in foreign countries. In June 1975 an ABA exchange team visited the Soviet Union. The group comprised Chesterfield Smith (immediate past President of the ABA), John P. Bracken (Chairman of the House of Delegates), and Shirley M. Hufstедler (judge of the U.S. Court of Appeals for the Ninth Circuit). It is expected that a return visit by a group of Soviet lawyers and judges representing the Association of Soviet Lawyers will take place during the coming year.

The Section continued to participate actively in the work of the State Department Advisory Committee on Private International Law. This is the focus for the preparation and negotiation of international private law conventions of particular interest to the United States legal profession.

Work continues on the War Powers Study. The first volume is expected to appear in 1976, with the project's end anticipated in 1977.

Law student involvement in committee work of the Section was continuously encouraged.

Budget and Finance

During the year the Section operated on a budget in excess of \$100,000. For the first time all members received a complete financial report for the preceding year. Section financing remained difficult during a period of rapidly escalating costs. Complicating the picture is the lag between incurring book publication expenses and receiving income many months later from book sales.

A very necessary boost in dues of regular Section members from \$10 to \$12.50 per year became effective July 1, 1975. In Montreal, the Section voted a further increase in dues of regular members to \$15 per year, effective July 1, 1976, subject to approval by the House of Delegates. Law student dues also rose from \$3 to \$5.

Conclusion

The scope of this Section's activities continues to be impressive. The past year has seen many significant developments in the field of international law and policy. Among them were United States withdrawal from Viet Nam, the Mayaguez incident, international conferences on the Law of the Sea, the Supreme Court's action in the *Scherk* arbitration case, and the United States hardline at the United Nations. Principles of international law were advocated and challenged around the world. The ABA Section of International Law participated in appropriate fashion.

It has been impossible for me to note here all of the varied activities of the Section during the past year. Thus I have intentionally avoided naming the many, many individuals who have contributed so mightily to our progress. All are volunteers in the service of the rule of law throughout the world. The Section embraces a continuity of experienced leadership joined with a constant and welcome stream of ideas and energy from law students, young lawyers and newcomers to the Section.

I want to thank all Section members for their support. I am particularly grateful for the assistance of the officers of the Section, the leadership of all our committees, the large number of active committee participants, and the ABA staff, most especially our Section liaison, Marilyn Neforas.

I have found this to be a great experience.

Respectfully submitted,

James T. Haight
Section Chairman

August, 1975

