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The Chairman's Report

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Chairman's Report

Your Chairman is deeply indebted to the Chairman-Elect and the four Divisional Vice-Chairmen for the manner in which they have administered activities of the Section Committees falling within their respective jurisdictions. Their effort materially diminished my workload and the time taken to perform it.

Section Activities

Important problems now under consideration by the Section include:

(a) *Jurisdiction of the Seabed Beyond the Continental Shelf*

Views on this subject may be classified into three broad categories: (1) the seabed is up for grabs and belongs to the first taker; (2) coastal states should have exclusive jurisdiction to the median line; and (3) the seabed belongs to the international community. Any category necessarily involves the type of legal regime that should have responsibility for administering the exploration and exploitation of the seabed. Any legal regime must take into account existing principles of international law relating to freedom of the seas, consideration of existing agreements on fishing and preservation of marine life, prevention of pollution, restriction on military use, and many other complicated questions. The Malta Resolution now before the United Nations makes it imperative that the United States soon declare its policy. This subject is urgent.

(b) *Law of Treaties*

A draft convention on this subject is scheduled for completion in 1968 and for final consideration in 1969 by the International Law Commission. The current draft has been studied by many eminent legal scholars but the point of view of the practitioner has not been well articulated. It is hoped that an *ad hoc* committee from the Section will lend its aid in improving the draft; but to be effective, it must act without delay.

(c) *Anti-Trust Laws Affecting Foreign Trade*

An in-depth study of this subject has been planned and is about to get under way. It will be a fact-finding study, the results of which may well point to some corrective recommendations.

(d) *Liaison with State and Local Bar Associations*

An increasing number of state and local bar associations are showing interest in international law, both public and private. Your Chairman has made a special effort to encourage this trend. Surveys to indicate how the Section can be of greater service to the general practitioner are under way in several of our states.

These are but a few of the more dramatic activities in which the Section is now engaged. Most Section Committees are working actively in the areas assigned to them.

Meetings

Resumé of Mid-Year Meeting of Section

The Mid-Year Meeting of the Council of the Section of International and Comparative Law took place on Sunday, February 18, 1968, in Chicago.

Present were your Chairman; David M. Gooder, Chairman-Elect; Clifford J. Hynning, Benjamin Busch, Harry A. Inman, and George W. Haight, Divisional Vice-Chairmen; Katherine Drew Hallgarten, Secretary; Edward D. Re, Paul Carrington, William C. Farrer, Walter E. Craig, James T. Haight, Charles R. Norberg, Ewell E. Murphy, John R. Stevenson, Eberhard P. Deutsch, David F. Maxwell, and Leonard von B. Sutton, members of the Council; and Max Chopnick, Section Delegate.

Also in attendance were Past Chairmen, Victor C. Folsom and Charles S. Rhyne; John Laylin; Martin Menter; David Cottrell, Jr.; Owen Rice; Lewis Shull; and Jerry O'Leary.

Your Chairman referred to the forthcoming debate in the United Nations on the resolution introduced by Malta last fall proposing that the Assembly look toward a new international treaty which would reserve the ocean floor beyond the limit of national jurisdiction exclusively for peaceful purposes, and suggesting that the financial benefits from the exploitation of the resources thereof be allocated primarily to the less developed countries. The attention of the Section was called to the importance of formulating its legal position

for timely presentation after appropriate clearance. The Divisional Vice-Chairman for International Law was requested to discuss with the Chairman of the Committee on Oceanography steps to be taken toward recommending a legal position to be adopted by the Section at the Spring Meeting.

The attention of the Section was called to another matter requiring urgent consideration: study and expression of a position on the Draft Articles on the Law of Treaties now before the United Nations International Law Commission.

The Council authorized the appointment of a small *Ad Hoc* Committee on the Law of Treaties to meet with the United States member on the International Law Commission, Ambassador Kearny, early in March and to consider with him substantive provisions of the Draft Articles on the Law of Treaties from the standpoint of the practitioner who would be involved in the application of such provisions in his day-to-day practice. The following *Ad Hoc* Committee was appointed: Eberhard Deutsch, Chairman; John R. Stevenson; George W. Haight; John G. Laylin; and Charles O. Verrill, Jr. The committee was requested to keep Clifford Hynning, the Divisional Vice-Chairman for International Law, informed since its work falls within the structure of that Division.

Benjamin Busch reported that the former Committee on Near Eastern and Islamic law which had been inactive for want of a Chairman had recently been reactivated under the name, Middle Eastern and Islamic Law Committee. The new chairman is Professor Don Wallace, Jr., of Georgetown University Law School. The Council expressed its approval of the reactivation of the Committee.

Clifford Hynning reported that he had recently designated Bryce McAdoo Clagget to assist him with editorial duties on the *International Lawyer*.

Upon a motion which was seconded and unanimously carried, the Council decided to change the locale of future mid-year meetings to a warmer climate, and to change the date thereof to about three weeks prior to the meeting of the House of Delegates. The earlier date will give the Section more time for presenting the increasing number of important international law matters to the House of Delegates.

Paul Carrington, jointly with Victor Folsom, presented a draft of a proposed resolution recommending a study of the United Nations Charter with a view to proposing revisions thereof. Eberhard Deutsch

said that he had received communications from some local bar associations recommending that the ABA take certain positions on various aspects of United Nations activities. After some discussion, Paul Carrington moved that George W. Haight refer to an appropriate committee of his Division the subject matter of the proposed draft resolution and other similar resolutions, that the committee report thereon to the Council at the May meeting, and that Messrs. Folsom, Deutsch, and Carrington also study the same matters with a view to implementing the committee report at the May meeting of the Council.

Max Chopnick, the Section Delegate, reported that the Section of Patent, Trademark, and Copyright Law had recommended opposing United States adherence to the Madrid arrangement for the International Registration of Trademarks. Mr. Chopnick also mentioned that the subject had been surveyed by the Section's Committee on International Patent, Copyright, and Trademark Relations which concurred in that recommendation. The Section Delegate was instructed to support the aforesaid recommendation before the House of Delegates.

Charles Norberg reported on the proposed activities of the Special Committee on Relations with Lawyers of Other Nations, with reference to Asia. The Council declared that it looks with favor upon increased relationships with Asian law organizations and particularly with the Law Association for Asia and the Western Pacific.

Eberhard Deutsch reported on the activities of the Committee on Peace and Law Through the United Nations, and General Menter reported on plans of the Committee on the Law of Outer Space.

Edward Re reported on the meeting of the Committee on Policy Planning and Coordination in Washington, D.C., on November 28, 1967. At that meeting it was decided to recommend to the Council that the dues of the Section be raised to \$10.00 per year. It was moved, seconded, and unanimously agreed that the Council adopt the aforesaid recommendation that Section dues be raised to \$10.00 per year, and that the matter be taken up through proper ABA channels. After some discussion of student membership of the Section it was decided that the matter be tabled.

Your Chairman reported with gratification and appreciation that the Section had received \$2,000 in response to the letter which

had been sent out appealing for voluntary contributions toward the support of the *International Lawyer*.

The Council accepted with regret the resignation as of July 1968 of Clifford Hynning as Editor-in-Chief of the *International Lawyer*. Eberhard Deutsch was unanimously elected his successor as of the October issue.

Spring Meeting

The Spring Meeting of the Council and the Section will be held at the Mayflower Hotel in Washington, D.C., on May 24, 1968. The Council Meeting will begin at 9:30 a.m. and the Section meeting at noon. Dean Acheson, former Secretary of State, will speak at an open luncheon meeting at 1 p.m. (Use tear-out reservation form facing back cover.)

Annual Meeting

Plans are well under way for an instructive program in Philadelphia, August 5 to 9, 1968. Members are urged to make early reservations for that meeting.

Membership

As of December 31, 1967, there were 3,475 members of the Section. It is my hope that within the next few months a number of the eligible students brought under the umbrella of the American Bar Association by creation of the Student Division will affiliate with this Section.

JOE C. BARRETT,
Chairman