

PRESIDENT'S REPORT

Hon Dr Peter Nygh

Once again, we can look back at a busy and successful year. Despite the fact that we did not have the "highlight" of an international conference this year, we have been able to offer our members several seminars and we made a conscious effort to expand our activities through our local Chapters to those who do not live and work in and around Sydney. I will report on our various activities in more detail.

THE STRUCTURE OF THE BRANCH

There is little to report under this heading. We are fortunate to enjoy the patronage of Sir Gerard Brennan who will continue in this post after his retirement from the Chief Justiceship of the High Court of Australia. The only major changes at the last Annual General Meeting were the replacement of Philip Sutherland with Professor Ivan Shearer as Vice-President and, following the retirement of Greg Pearce as Treasurer, the election of Eugene Khoo to that position. I want to re-iterate here the tribute I paid to Philip and Greg at the last Annual General Meeting. We owe a great debt of gratitude to Philip because his was the driving force which brought about the 1990 Queensland Conference. Similarly, we must express gratitude to Greg, both for the crucial role he played in the all-important financial aspects of that Conference, as well as for the post-Conference negotiations with the Commissioner of Taxation which he brought to a very successful completion. Both continued this year as members of the Committee of Management. Martijn Wilder, who was new to the position last year, has proved himself to be a forceful and active Secretary.

FINANCIAL

A financial report will be presented separately by our Treasurer. At the last Annual General Meeting the annual subscription was increased to AUD65, the student subscription remaining at AUD10. The increase was due to the Headquarters levy being increased to GBP25. Unfortunately, the rise and rise of the pound sterling has meant that our dollar once again lingers below 45 pence. As a result, there is very little money left over to finance local activities. The Committee of Management is reluctant to recommend another rise in subscriptions since an erosion of membership is the inevitable result.

One proposal is to offer a local membership for a lesser sum calculated to cover postal (including those of the Chapters) and Bulletin expenses. This local membership would not entitle local members to the benefits of the ILA as a whole, such as receipt of the ILA Newsletter, the Conference Reports or reduced subscriptions to the Conferences. But it would entitle them to full participation in local activities, including the Annual General Meeting. However, members of the Executive and Committee of Management would be required to be members of the international body.

Such an arrangement exists in the Netherlands where local members pay a fee of DFL55 (approx AUD42 at present exchange rates). Those who want to join the international body would pay the surcharge of GBP25 which the Branch would collect at current exchange rates. I would be interested in receiving the comments of members. It would require an amendment of the Constitution. At present, student members of the Branch are in the position described above, and it may not be surprising that this has been the fastest growing category of membership in recent years.

You may remember from my Report last year on the discussions of the Future of the ILA that a proposal was made at Helsinki for a purely national membership which was not favourably received. But this was before the President of the Netherlands Branch disclosed the details of the structure of the Netherlands Society of International Law ("NVIR"). About one third of the members of the NVIR are also members of the ILA.

Consideration could also be given to incorporating the subscription to the *Australian Journal of International Law* in the local membership. At present this is charged separately at AUD30. A local membership/subscription package would probably cost about AUD65. A student membership would remain (but perhaps not as low as AUD10) without the subscription to the *Journal*.

At the last Annual General Meeting a proposal was carried that the surplus funds from the 1990 Conference, together with the Harold Snelling Fund, should be placed in a Trust Fund which would make the capital less accessible to the Committee of Management. The Committee has been struggling to find a formula which would be workable without unduly hampering the day to day management by the Treasurer and the Committee. Because of the few funds left from subscriptions after payment to London, it would at the moment be very difficult to survive without use of these

savings. The question of the Trust Fund could only be considered in the light of a general stabilisation of the financial position.

THE JESSUP MOOT

The Jessup Moot was held in Canberra on 21 and 22 February 1997 and, as in past years, the Branch assisted. I helped judge one of the semi-finals and presented the Harold Snelling Prizes to the members of the winning team from the University of Western Australia and the runners-up from the University of New South Wales, and to the best memorialists from Monash University. The Best and Fairest Team Award (not from us) went to the team from the Northern Territory University. Unlike last year, neither team went on to victory in Washington DC but, as has been the case for many years now, both teams finished up in the Top Ten. The winners were the Catholic University of Venezuela, followed by the University of Calgary, Canada.

COMMITTEES

Through our Co-Directors of Studies, Professor David Flint and Dr Keith Suter, we have been able to organise a number of functions throughout the year. David Flint has now left the University of Technology, Sydney in order to take up his new position as Chairman of the Australian Broadcasting Authority. We hope that despite his new duties, he will find the time to continue to support our activities. Dr Suter has organised several very successful functions this year. The "Twilight Seminars", held in the Staff Common Room of the University of Sydney Law School because of its central location, have been very popular and we are grateful to the Law School for allowing us to use the Common Room.

The first function of 1997 was to welcome the Secretary General of the ILA, David Wyld, to Australia. He spoke on 19 February on the topic Reform of the Civil Justice System - the Woolf Report and Lessons for Australia. Commentators were the Hon Dennis Mahoney QC, a longstanding member of the Branch and former President of the NSW Court of Appeal, and Dr Kathryn Cronin, a Commissioner of the Australian Law Reform Commission. The Commission is engaged at the moment in a review of the Australian civil justice system. David Wyld delivered a critical address of the Woolf Report. The reaction of the Australian commentators was also somewhat sceptical of the Report. The ILA is, of course, interested in the international aspects of civil process through its Committee on International

One proposal is to offer a local membership for a lesser sum calculated to cover postal (including those of the Chapters) and Bulletin expenses. This local membership would not entitle local members to the benefits of the ILA as a whole, such as receipt of the ILA Newsletter, the Conference Reports or reduced subscriptions to the Conferences. But it would entitle them to full participation in local activities, including the Annual General Meeting. However, members of the Executive and Committee of Management would be required to be members of the international body.

Such an arrangement exists in the Netherlands where local members pay a fee of DFL55 (approx AUD42 at present exchange rates). Those who want to join the international body would pay the surcharge of GBP25 which the Branch would collect at current exchange rates. I would be interested in receiving the comments of members. It would require an amendment of the Constitution. At present, student members of the Branch are in the position described above, and it may not be surprising that this has been the fastest growing category of membership in recent years.

You may remember from my Report last year on the discussions of the Future of the ILA that a proposal was made at Helsinki for a purely national membership which was not favourably received. But this was before the President of the Netherlands Branch disclosed the details of the structure of the Netherlands Society of International Law ("NVIR"). About one third of the members of the NVIR are also members of the ILA.

Consideration could also be given to incorporating the subscription to the *Australian Journal of International Law* in the local membership. At present this is charged separately at AUD30. A local membership/subscription package would probably cost about AUD65. A student membership would remain (but perhaps not as low as AUD10) without the subscription to the *Journal*.

At the last Annual General Meeting a proposal was carried that the surplus funds from the 1990 Conference, together with the Harold Snelling Fund, should be placed in a Trust Fund which would make the capital less accessible to the Committee of Management. The Committee has been struggling to find a formula which would be workable without unduly hampering the day to day management by the Treasurer and the Committee. Because of the few funds left from subscriptions after payment to London, it would at the moment be very difficult to survive without use of these

On 31 July the International Trade Law Committee was launched with a Seminar on Aspects of International Trade Law at which two papers were presented. The first, on Dispute Resolution in the World Trade Organisation, was given by Emeritus Professor Gillian White, formerly of the University of Manchester. The second, on The EMU - the Single European Currency, was given by Professor David Flint. The function was a joint effort of the Branch together with the Faculty of Law of the University of Western Sydney, Macarthur and Allen Allen & Hemsley. The last-named firm hosted the event which was a great success. The paper by Professor White is published in the current issue of the *Australian Journal of International Law*. The Convenor of the Committee is Andrew Percival of Allen Allen & Hemsley.

On 11 September the Human Rights Committee sponsored another Twilight Seminar and the topic was Outlawing the 'Dogs of War' - Australia's Ratification of the UN Mercenary Convention. The speakers were Dr Keith Suter, Co-Director of Studies and Convenor of the Human Rights Committee and Gideon Boaz, International Humanitarian Law Officer with the Australian Red Cross (NSW). It was a very lively evening in which the pro's and con's of employing mercenaries were hotly debated.

On 16 September a dinner which was once again jointly hosted by the Faculty of Law, University of Western Sydney, Macarthur and the Branch, was held in Sydney at which the guest speaker was Professor William Neilson, Director of the Centre for Asia-Pacific Initiatives at the University of Victoria, British Columbia. He addressed the dinner guests on Vietnam's Third Way in Economic Law Reform. The dinner was very well attended. Professor Neilson's visit was sponsored by the Centre for Canadian Studies at the University of Western Sydney, Macarthur and the Department of Foreign Affairs, Canada.

The final function of the year is the Annual General Meeting. We are very honoured that our guest of honour will be Her Excellency, Dame Rosalyn Higgins, a Judge of the International Court of Justice.

CHAPTERS OF THE BRANCH

During the year, we have pursued our aim of establishing chapters in various parts of Australia. Mention has already been made of the meeting in Melbourne on 25 March at which the Victorian Chapter was launched. The

Convenors are Professor Gillian Triggs and Peter Willis. Both may be contacted through Mallesons Stephen Jaques in Melbourne. It is planned that Melbourne will be the focus of the new International Military Law Committee under the convenorship of Lt Colonel Garth Cartledge whose E-mail address is: garthc@ozemail.com.au.

During the meeting of ANZSIL at the end of May, a meeting was held of members resident in Canberra, at which the continuation of the Canberra Chapter was confirmed under the guidance of Professor Don Greig, Australian National University. The Chapter is planning a Seminar on Australian Oceans Policy either in Canberra or Wollongong. It would be the first formal function of the Law of the Sea Committee, convened by Dr Don Rothwell, University of Sydney. During the ANZSIL Conference there was also an informal meeting of the Law and Feminism Committee.

In February there was a Seminar held in Darwin on Refugee Law. Although it was not directly associated with the ILA, it was organised by the Convenor of the Northern Territory Group, Dean Jenny Blokland. The success of the University of Northern Territory team at the national Jessup Moot illustrates their commitment to international law.

The most active Chapter is the Queensland Chapter which continues under the secretaryship of Ian Bloemendal of Clayton Utz, Brisbane. The Hon Dr Kevin Ryan QC is Chairman. The Chapter held a breakfast meeting on 24 June at which Justice Michael Kirby spoke on Some Reflections on Current International Law Issues. This was followed on 9 July by a well-received Twilight Seminar which was addressed by Dr Michael White QC on The Timor Gap and Offshore Oil/Gas Industry - Reflections on Current Cases and Issues. On 5 November I will address the Chapter on the proposed Global Judgments Convention, updating on the most recent discussions in June 1997 and the preparations for the next session in March 1998. The Chapter has expanded in membership and on 27 August held its Annual General Meeting. Although it is noted that the Chapter is in good shape financially, it does however need support to attract speakers. This matter is at present under active consideration by the Committee of Management.

FUTURE FUNCTIONS

The all-day Seminar on the World Trade Organisation planned for November had to be postponed. It will now be held next year.

The most important function for 1998 will be the 68th Conference of the ILA to be held in Taipei, Taiwan on 23-30 May 1998. On 12 August the Committee of Management met with a delegation from the Chinese (Taiwan) Branch, led by its President, Professor Hungdah Chiu. It briefed us on the preparations for the Conference and the planned social programme (the academic programme is the preserve of the Director of Studies, Professor AHA Soons). I hope that as many Australian members as possible will attend the Conference next May. The delegation hosted a dinner for members of the Executive of the Branch and were entertained to dinner by the Canberra Chapter. Ms Maggie Tien, Director General of the Taipei Economic and Cultural Office, Suite 1902, MLC Centre, Sydney, has offered to assist with advice and information (telephone: 02-9223 3233).

CONSULTATION WITH THE DEPARTMENT OF FOREIGN AFFAIRS AND TRADE ("DFAT")

As a recognised non-government organisation in the field of international law, the Branch has from time to time been consulted by DFAT. On 28 August the Branch was represented by Chris Ward at the consultations on the proposed International Criminal Court. The Branch wholeheartedly supports that development and wishes the Diplomatic Conference due to be held in Rome next year every success. It should be stressed, however, that the ILA is not a lobby group for any particular cause, but an institution which is prepared to give its expert advice on international law issues.

PUBLICATIONS

The publications of the Branch are an important part of its activity. We want to involve members by giving them access to news about our activities, the contents of the more important lectures and the Seminars. To that end we publish the Branch Bulletin, Occasional Papers and the Martin Place Papers. Overall responsibility and coordination is exercised by our very active Co-Vice-President, Margaret Brewster and the Publications Committee, who deserve our thanks for the efforts made.

Thanks to the creativity of the Editor, Lesley-Gaye Wong, the Branch Bulletin appeared in March and a second one will have reached members by the time this Report is presented. Its essential purpose is to give news to members of past and forthcoming events and we are very grateful to the Editor for the work she puts into it.

The Branch continues to publish the Australian International Law Journal of which Alexis Goh, a member of the Committee of Management, is the Editor. Following Alexis' move to the Faculty of Law of the University of Western Sydney, Macarthur to take up an Associate Chair there, we acknowledge with gratitude the support of that Law Faculty. The Journal is available to members of the Branch at the additional subscription of AUD30 (overseas AUD35) and we urge our members to take up the subscription to what is now Australia's foremost learned Journal in the field. Members are also entitled to the Australian Yearbook of International Law at a reduced price.

We have been advised that the Proceedings of the Helsinki Conference have now been published and copies will be sent out to those who were financial members in 1996. A list of those members has been supplied to Headquarters. Because they will be sent by sea-mail, there will be some delay for Australians.

CONCLUSION

It has been a good year. This has only been possible through teamwork and I thank all the Executive Officers and the members of the Committee of Management who have made it possible. I want to express particular thanks to our Vice-President Margaret Brewster whose energy knows no bounds. She has kindly stood in for me during my absence overseas in June and July. Special thanks are also due to Associate Professor Alexis Goh who has organised many of our meetings and is the Editor of the Journal, to Lesley-Gaye Wong for the publication of the Bulletin, to the long-suffering Eugene Khoo who is trying to keep our finances in order and has introduced a discipline which was badly needed, to Dr Keith Suter, who has also been busy organising meetings together with Tara Guttman, and last, but certainly not least, to our enthusiastic Secretary, Martijn Wilder. In Martijn, Eugene and Tara we have now a young and enthusiastic team assisted from Canberra by Chris Ward. Finally, I want to express our gratitude to Allen Allen & Hemsley for allowing us to meet on their premises and supporting us through their partners and associates.

I look forward to an equally active 1998.

29 October 1997