

In the Chair:

The Rt Hon the Lord Mance
Mr Bruce Mauleverer QC
Professor Yuji Iwasawa
Professor Catherine Kessedjian
Professor James Nafziger
Mr David J C Wyld
Professor Hennie Strydom
Professor Marcel Brus
Professor Torsten Stein
Dr Antonios Tzanakopoulos
Miss Juliet Fussell

Chair
Patron
Vice-Chair
Vice-Chair
Vice-Chair
Vice-Chair
President
Director of Studies
Treasurer
Secretary General
Secretary

AMERICAN BRANCH

Professor Paul Dubinsky
Professor David Stewart

AUSTRIAN BRANCH

Dr Nikolaus Pitkowicz

BRAZILIAN BRANCH

Professor Marcilio Franca Filho

CHINA (TAIWAN) BRANCH

Professor Chun-I Chen

CYPRIOT BRANCH

Ms Valentina Dimitriou

CZECH BRANCH

Professor Mahulena Hofmann

CO-OPTED MEMBERS

Mr Giuseppe Guerrieri

APOLOGIES:

Dr Vladimir Balas
Dr Ricardo R Balestra
Mr Milos Barutciski
Professor Carlos Bernal
Dr David Berry
Professor Karl-Heinz Boeckstiegel
Mr Jeremy P Carver
Professor Christine Chinkin
Professor James Crawford
Mr L. Cameron DesBois
Professor Masato Dogauchi
Professor Alena Douhan
Mr Arshad Ghaffar
Professor Julio Gonzalez Soria
Professor Christos Gortsos
Mr Eduardo Grebler
Mr R B Greenburgh
Mr W A Hamel
Professor Stephan Hobe

FINNISH BRANCH

Judge Gustaf Moller

GERMAN BRANCH

Professor Rainer Hofmann
Professor Markus Krajewski

HELLENIC BRANCH

Dr Maria Gavouneli

ITALIAN BRANCH

Professor Gabriella Venturini

JORDANIAN BRANCH

Dr Ibrahim Aljazy

IRISH BRANCH

Professor Patricia Conlan

NEPAL BRANCH

Professor Surya Subedi

NETHERLANDS BRANCH

Professor Willem van Genugten

NORWEGIAN BRANCH

Professor Mads Andenas

SLOVENE BRANCH

Misa Zgonec-Rozej

SWEDISH BRANCH

Professor Ove Bring

SWISS BRANCH

Professor Andreas Ziegler

INVITED

Mr Stratis Georgilas

Professor Nicolaas J Schrijver
Ms Alexia Solomou
Professor Alfred H A Soons
Professor Ole Spiermann
Mr Damian Sturzaker
Margit Tveiten
Ms E L van Praag
Professor Christopher Ward
Professor Ruth Wedgwood
Stefan Wehrenberg
Professor Maureen Williams
Dr Gentian Zyberi

Dr Kamal Hossain
Professor Tsvetana Kamenova
Mr James Kingston
Professor Richard Kreindler
Professor Vanda Lamm
Professor Franck Latty
Professor Kil-won Lee
Professor Cynthia Lichtenstein
Professor Jerzy Makarczyk
Professor Alberto Malatesta
Professor Jerzy Menkes
Erjon Muharremaj
Professor Shinya Murase
Professor Kazuhiro Nakatani
Professor John Noyes
Mr Khang Chau Pang
Professor August Reinisch
Professor Manuel Almeida Ribeiro
Professor Vasilka Sancin

INTERNATIONAL LAW ASSOCIATION

MINUTES

of the meeting of the Executive Council
held on Saturday 6 May 2017 10.00am
at Charles Clore House

Lord Mance reported that Sir Nigel Rodley (British Branch) and Ronald Briggs (ILA Secretary 1985 – 1987) had died. Bruce Mauleverer paid warm tribute to them both.

He then announced that Professor Konstatia Koutouki (University of Montreal & Member of ILA Committee on Role of Law in International Sustainable Resources Management) was the new President of the Canadian Branch in place of Bernard Colas.

1 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting of the Executive Council, held in London on 1 November 2016, were approved by Members of the Executive Council.

2 HON TREASURER'S REPORT

The Hon Treasurer, Professor Torsten Stein presented his Report to the Executive Council.

Exceptional arrangements had been proposed to assist the South African Branch with the shortfall in the Johannesburg Conference budget (Annex 1). These had been approved by the Management Committee. ILA HQ (on this one occasion & without setting a precedent) will carry the shortfall in the amount normally due from host branch towards cost of travel. ILA HQ will also take on cost of producing the Johannesburg Conference Report. The South African Branch will make an additional contribution towards costs in due course.

The Patron, Bruce Mauleverer remarked that the financial position of the ILA had improved enormously since the 1990s and thanks were expressed to the Treasurer.

The Annual Accounts for 2016 (Annex 2) were approved. These showed a small deficit of £9,148. The income received was slightly higher than expected due to accrued royalties received and a donation from the British Branch towards the archiving project. £15,443 from the Scholarship Fund had been used to send 11 Scholars to the Johannesburg Conference.

The Financial Statement (Annex 3) shows a slightly lower balance in the General Fund than at the same time last year but is satisfactory. The Scholarship fund stands at £8,512 which is a good start for Sydney in 2018 but additional funds will be required.

The Income & Expenditure Report (Annex 4) was as expected at this time.

The Branch Contributions (Annex 5) were noted. The Russian and Turkish Branches payment records were concerning and both branches will be asked to clarify their positions in this regard. Croatia will also be asked to clear its arrears for 2014 & 2015.

The Membership numbers (Annex 6) showed an increase in the ILA Membership of 1,000 since 2012. Higher requests for membership had been coming into HQ since the launch of the new website. These were passed on to the relevant Branches.

Issues regarding the image of the ILA worldwide and its activities were discussed. It was agreed that the Association is insufficiently promoted at the moment and the opportunity to enhance its presence needs to be taken especially when Members are travelling abroad. Lord Mance said he would be travelling to the Far East on at least 2 occasions next year & had been invited to give talks in Hong Kong & Singapore. The role of Branches in achieving an increase in membership and the importance of their local activities was emphasised. In particular, they were asked to encourage Members from the international private law realm. The Secretary was asked to circulate again the summary of the round table of ILA Branches held in October 2014 (Annex 7) which suggested best practices which should be followed by branches.

The role of the new website would be crucial to the ILA's future. Branches should be encouraged to use it to communicate and co-ordinate their activities. Means of using it to host videos & on-line discussions of topical issues will be explored and developed. It was also suggested that Webinar facilities should be used where available to Branches.

The quality and focus of the ILA's output requires more oversight and direction. Specific topics should be identified for study by ILA Committees & Study Groups which need to be helped to work more effectively and efficiently. This is intended to be carried out by the Standing Steering Committee when it has been fully established.

The Cypriot Branch had prepared a strategy plan for the next 5 years which it will submit to the Management Committee which will consider whether a centralised strategy might be a practical option to be adopted.

Fundraising and outreach were discussed too. The Fundraising Committee had already received a commitment from Canada to fund one Scholar for the Sydney Conference as well as the travel costs of one member of the Committee on the Implementation of the Rights of Indigenous Peoples. Some financial support had also been found for the African Digital Academy of International Law. The Committee had also attempted to find funding for an additional post at HQ from the Dutch Ministry of Foreign Affairs which had been unsuccessful. It will approach further law firms and foundations. The approaches the Committee makes has helped to raise the profile of the ILA and the work it does.

It was agreed that in future there should be an item on the agenda for discussion of such forward looking ideas and plans. Members were asked to submit any ideas directly to HQ between meetings too. The Steering Committee will assess the practicability of suggestions.

3 DIRECTOR OF STUDIES REPORT

The Director of Studies said that Committees & Study Groups would be asked to increase the use they make of the website to improve and expand on the information about their work and to communicate their activities.

He thanked the co-ordinator of the Reporters Alex Kunzelmann and ILA-HQ staff for the work they had done to collect and prepare the material for the Johannesburg Report. This was now at the pre-print phase and would be printed as soon as possible.

He said that there had been a delay in the establishment of the Standing Steering Committee due to other commitments. He planned to proceed with this with the Secretary General immediately after the meeting.

He then presented his report (Annex 8) which had been circulated prior to the meeting.

The following changes were approved: **Denise Roche (Irish)** to be co-rapporteur of the **Feminism in International Law Committee** in place of Judy Walsh and **Michael Waibel (Austrian)** as Chair of the SG on **Sovereign Bankruptcy** replacing Philip Wood who had stepped down.

The EC were informed that Dr Marcin Menkes (Polish) had joined the Study Group on *Socially Responsible Investment*.

A proposal for a new Study Group: Cities as Subjects and Objects in International Law had been received and circulated with his Report. There was discussion regarding the decision to focus on cities specifically. It was agreed that the comments made would be fed to the Study Group Officers but that the Group should be established as ***The Role of Cities in International Law***. The Co-Chairs are Professor Janne Nijman (Netherlands) and Professor Helmut Aust (German). The Co-Rapporteurs will be Anouche Beaudin (NM) and Jolene Lin (NM). *(Both are in the process of activating their ILA membership.)*

A proposal for a new ILA Committee on human rights law in international emergencies had also been circulated. This had been instigated by the German, French and American Branches. It was agreed that the topic was very important. The Director of Studies will request that the mandate is clarified further before the Committee is formally established. The Executive Council resolved to establish the Committee, its continuation being subject to the mandate being refined and approved by the Director of Studies and the Management Committee, and to delegate to the Management Committee the authority to approve the mandate. The aim is to do so within the next 3 weeks. This will allow nominations to be made for approval at the meeting in November allowing the Committee to commence its work without further delay. It was confirmed that this will be a wholly new Committee. The former Committee had been dissolved and the membership of that Committee will not be carried forward. Branches will be expected to nominate new Members.

Discussion followed on the processes related to proposals for new Committees and Study Groups, including a more proactive approach in identifying urgent topics as well whether a greater number of Committees is required in order to offer opportunities for members to participate in the work of the ILA. The restriction of membership in Study Groups was also raised. The Standing Steering Committee will be asked to consider these questions before further discussion at the November EC meeting.

4 BIENNIAL & REGIONAL CONFERENCES

Lord Mance reported that there had been a Skype call with Professor Chris Ward during the Management Committee meeting the previous day. Plans were going well for the Sydney Conference and a contract had been signed with the Intercontinental Hotel which is situated alongside the Sydney Opera House (Annex 9). No theme had been decided at this point but is intended to be decided by the end of this year. The

Conference website is under construction and the Headquarters Agreement will be finalised shortly. Chris Ward had said that he had strong interest shown by the Australian Government with the Governor General attending the opening session. Keynote speakers will include senior politicians. He is also keen to see a full Scholarship programme included in the Conference with poster sessions and possibly panel sessions too.

Chris Ward had said he expected 800-1000 delegates with at least 300 Australians and participation from a large Chinese contingent.

The importance of the availability of less expensive accommodation was stressed and this request was to be passed to the Australian Branch.

Professor Yuji Iwasawa reported that plans were progressing well with the Kyoto Conference in 2020. Fundraising has started but he pointed out that this was not easy in the current climate and that economies might need to be made. The theme of the Conference will be: Bridging for the Future.

He had already discussed a provisional schedule with the Director of Studies. They were hoping to make sure there were not too many concurrent sessions running and where possible no more than 4 ILA Committees or Study Groups at any one time. In order to achieve this, it would be necessary to reduce the time available for the work of some Committees and/or Study Groups from the usual 3 hours to 2. There would be a limited number of 3 hour slots to allow any Committee finalising its work the full 3 hours. The Executive Council approved this proposal and consequently both Professor Iwasawa and the Director of Studies were confident that the outline schedule they had discussed would be very satisfactory.

It was agreed that the work being undertaken by the various Committees and Study Groups should be made more prominent and should be detailed on the website well before Conferences. Themes could then be taken from this information for development of panel sessions.

Lord Mance drew the attention of the Executive Council to an announcement from the recently established Colombian Branch of a conference & art exhibition at Rosario University in Bogotá: Face to Face with International Criminal Justice (Annex 10).

The Cypriot, Greek and French Branches are holding a joint session on International Arbitration in June, details of which are on the website. The EC were reminded that the American Branch will hold its International Law weekend in New York on 19 -21 October at which they expect 1000 – 1200 delegates. The British Branch Conference will be held on 22 – 23 September (having been postponed from May). All were welcome to attend these events.

Professor Chun-i Chen reminded the Council that the ASIL/ILA regional conference in Taipei will take place on 19 & 20 May and would be attended again by Professor Jim Nafziger (Vice Chair) and by the Treasurer Professor Torsten Stein who had attended every year since 1995.

5 NOMINATIONS TO ILA INTERNATIONAL COMMITTEES

The list of the Committee Nominations (Annex 11) was approved by members of the Executive Council.

6 APPLICATIONS TO ILA HEADQUARTERS MEMBERSHIP

The list of Nominations for Headquarters Membership (Annex 12) was approved by members of the Executive Council.

It was pointed out that Mr Hasan Kadir Yilmaztekin (ILA Scholar) had been included in this list so that his membership could commence and continue until communication can be re-established with the Turkish Branch at which point he will be invited to join that Branch.

7 ANY OTHER BUSINESS

Lord Mance reported that he had received a positive letter from China suggesting that a meeting either in the UK or in the Far East should be arranged to see if progress might be made towards the establishment of a Branch in mainland China. He said that he intended to discuss this with the representative of the Chinese (Taiwan) Branch who was present at the meeting. Lord Mance said he was unlikely to be able to make a meeting in the Far East until 2018, but said he would hope that the matter would be sorted out well before the 2020 Conference in Kyoto. This development was warmly welcomed by the EC Members present and Lord Mance was thanked for his efforts in this direction.

Willem van Genugten said he was willing to continue to keep going with the fundraising. Bruce Mauleverer was invited to continue to administer the Scholarship Fund.

Professor Catherine Kessedjian said the fundraising for Sydney should start as soon as possible. She said would encourage the French Branch to contribute towards participation in the Sydney Conference and she suggested that each Branch be asked identify a suitable individual or body in that country as a potential donor to the Scholarship Fund who might be approached by the Committee. Professor van Genugten said he would liaise with Professor Ward so they could make a co-ordinated approach to this matter.

Bruce Mauleverer presented his report on the progress of the ILA Scholars' network/group.

In this he said that 25 of the 28 former Scholars were now ILA members with three years free membership of the ILA. Two of them are actually full Members and serve on Committees. He said that he was in touch with the group which has a LinkedIn Group, an email Group and a Blog. The Blog contains a very good resume of the Johannesburg conference from a scholar from Zimbabwe (Josh Chivanga).

Bruce Mauleverer said that he would invite the group to put forward specific proposals as to how they might contribute to the work of the ILA. He also said that he would encourage the group to play a real role in making the Sydney conference a success in August 2018. This would be in liaison with Chris Ward. The group should encourage other young lawyers to attend the conference and to apply for scholarships. They could be invited to help develop work for the various committees, study groups and special

interest groups put forward by the Australian Branch. The group could organise poster sessions. The group could also have its own session and maybe host a panel of scholars on a particular topic (or range of topics).

Any proposals received would be vetted and monitored by the Management Committee. These suggestions had been discussed with the Director of Studies Marcel Brus who had approved this report before it was presented and it was approved by the Executive Council.

It was reported that the work on the Archive had been completed and the complete listing of the material was now available on the University of London website (to which there is a link from the ILA website).

Professor Kessedjian pointed out that much of the material related to the British Branch and that she needed to have material from other Branches which might be included in the 150th anniversary publication she plans for 2023. The book will need to be prepared by the end of 2021.

The Secretary General said that the new ILA website had been launched successfully and good feedback had been received. He pointed out that there is a new logo and that there is a special version of the logo for each Branch to use; he encouraged Branches to start using their special logos, even alongside existing Branch logos which some Branches have created, but he noted that the use of the logo is not compulsory. The Secretary General further stressed the importance of use of Twitter feeds which can create interest in ILA activities but said that there should be a streamlining of social media communication through HQ to maximise the impact it can have. Several Branches had already appointed a communication officers who are authorised to carry out updates directly onto their Branch pages and they will shortly be given further access. He asked that each of these communications officers should contact him directly as he wishes to propose to the Management Committee that an appropriate HQ communications officer should be appointed.

10 DATES OF NEXT EXECUTIVE COUNCIL MEETINGS

It was decided that the Executive Council should continue to meet twice a year for the time being. HQ will enquire whether video conferencing facilities could be made available at future meetings.

The next Executive Council meetings will be held on 11 November 2017, 12 May 2017 and on 17 November 2018 in London.