

63RD CONFERENCE OF THE INTERNATIONAL LAW ASSOCIATION
(WARSAW, AUGUST 21—27, 1988)

The International Law Association (ILA) was created in 1873 and is therefore among the oldest international non-governmental organizations. Its basic aim is a broadly interpreted activity for the development and codification of international law. The Association's international prestige is manifested by its status as an UN advisory organization, and by the fact that its standpoint is taken into consideration by the International Court of Justice when formulating the latter's judgements and advisory opinions, and also in arbitration decisions.

The ILA's basic form of activity is an international conference, organized biennially and devoted to an analysis of the most important issues of international law. The effects of proceedings are then formulated as resolutions and distributed to the competent UN agencies and to other specialized organizations. Besides, each consecutive conference yields an extensive report which contains the materials prepared by the separate problem committees as well as the record of discussion.

The organization of the 63rd ILA conference was the privilege of the Polish Branch of the Association, operating since 1923. The present one was the second ILA conference organized by Poland ; the first one was held in 1928 in Warsaw. This is the first time that the conference was hosted by a socialist country.

The 63rd ILA conference was organized under the auspices of the then President of the State Council Wojciech Jaruzelski. The Honorary Committee was presided by the First President of the Supreme Court Professor A. Łopatka, and the Organizing Committee—by Professor J. Makarczyk, President of the Polish ILA Branch. The honorary consultant of the conference was Professor M. Lachs, judge of the International Court of Justice.

The opening ceremony was held at the National Philharmonic Hall in Warsaw. The first speaker was the former ILA President who had been in charge of the Association's activities since the 62nd conference in Seoul in 1986. Next, President of the ILA Executive Board Professor C. J. Olmstead informed the audience about the appointment of Professor Jerzy Makarczyk to the office of President of the International Law Association for the next two years.

President of the State Council addressed the participants in the name of the Polish government. He stressed the importance of international law for friendly cooperation between nations, and the conference's role in the elaboration of new legal regulations in the sphere of international law.

A message from Pope John Paul II was read out, pointing to the relationship between the development of progressive international law on the one hand, and human dignity and observance of human rights on the other hand. In his letter to the participants, the UN Secretary General Javier Perez de Cuellar stressed the importance attached by his Organization to the Warsaw conference of ILA and to the Association's achievements.

Similar was the spirit of speeches delivered by President of the International Court of Justice Professor J. M. Ruda, and Professor S. Pawlak, member of the UN International Law Commission. The Chairman of the Honorary Committee A. Łopatka and the newly appointed ILA President J. Makarczyk stressed in their speeches the importance of unity of international law on the universal scale.

The proceedings were held in the Victoria Hotel in Warsaw in seventeen committees, and focused on the following subjects : legal aspects of long distance air pollution ; human rights ; cosmic law ; international commercial arbitration ; exclusive economic zone ; international recognition of adoption ; the new international economic order ; legal aspects of air traffic control ; medical and humanitarian law ; legal problems of extradition in relation to terrorism ; international penal law ; international foreign currency regulations ; legal status of refugees ; international recognition of foreign public law ; establishment of norms of international customary law ; the right to food ; immunity of State. Besides, three informal panel discussions took place which concerned the extra-territorial jurisdiction of states ; peaceful settling of disputes ; and international foreign currency regulations.

In their work, the problem committees based on reports prepared in advance. Discussions were followed by the formulation of resolutions which among others contain definite legal solutions in the form of proposals and even drafts of the respective international instruments. Thus the committee which dealt with medical and humanitarian law adopted a resolution containing five basic principles of protection of a human being in relation to the new possibilities of genetic engineering. According to that resolution, all research on human genetic material should be aimed at therapeutic advancement only and take place under supervision of competent agencies. Whatever the legal qualifications, the human embryo deserves to be recognized as a human being. It was also stated in this context that human genetic material cannot be an article of trade.

The committee which dealt with observance of human rights concentrated on the following issues : supervision of observance of human rights by intergovernmental organizations ; definition of the state of emergency ; coordination of the activities of extragovernmental organizations in disclosing infringements of human rights ; analysis of the state of emergency as a social phenomenon, irrespective of the possibly related infringements of human rights.

The committee for international foreign currency regulations deliberated on the question of international debts. According to its resolution, a State's inability to pay a foreign debt falls under the necessity clause. It has been stressed at the same time that both the practice of States and the general legal rules fail to provide a sufficiently clear definition of that clause and the consequences of its application. Adducing the proceedings of the UN International Law Commission, the resolution brings the fact to mind that illegality of a State's action is excluded if there are no other methods of protection of its basic interests in a situation of sudden and serious danger (Art. 33, section 1, of the draft convention on liability of States). In this context, the committee found the notion of basic interests, to designate the following issues : organization of internal and external order ; maintenance of services vital for the public weal ; environment protection.

In the committee's opinion, the state of emergency only results in a stay of the duty to pay debts until that state exists, and not in its cessation.

The committee which dealt with the problems of a new economic deal stressed the urgent need for a comprehensive regulation of the problem of indirect restrictions in international trade, particularly of the so-called unilateral self-limitations

of exports. Moreover, the committee's resolution stresses the need for inclusion into national economic legislations of the obligations resulting from GATT.

The committee for international recognition of a foreign public law states in its resolution that at the present stage of development of states, the recognition and application of that law should not be based on its external nature only.

The committee which dealt with the legal aspects of air traffic control submitted a proposal of elaboration of an international multilateral agreement to unify the relevant provisions. Such need results from divergence of many national legal regulations of this sphere.

The committee of cosmic law deliberated on the problem of demilitarization of the outer space and environment protection. In the first place, the destructive impact of the use of anti-satellitary weapons was stressed, and the need for bi- and multilateral agreements banning the testing of such weapons in space. Attention was at the same time drawn to the diversified interpretation of commonly used terms such as cosmic weapons or militarization of the outer space. Also postulated was the need for a catalogue of the most dangerous actions undertaken in space which are still subject to no explicit legal qualification.

The proceedings of the Warsaw conference (reports, resolutions, and discussion) will be published as a whole, as is customary after all ILA conferences.

The idea that the 63rd ILA conference should be organized in Warsaw aroused a great interest in the world. This was manifested, among other things, by the participation in it of many outstanding representatives of the doctrine and practice of international law. Over 600 lawyers from all continents took part in the conference ; they represented the main schools of the legal thought and practice. Among the guests, the President and judges of the International Tribunal of Justice should be mentioned as well as justices of the Supreme Courts and Ministers of Justice from some States (India, Pakistan), high-rank diplomats and functionaries of Ministries of Foreign Affairs.

The participants visited Warsaw, Cracow, Gdańsk, and a stud in Bogusławice. The conference ended with a formal reception given by Professor A. Łopatka, Chairman of the Honorary Committee of the conference, at the Palace of the Presidium of the Council of Ministers.

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