

Judges and lawyers wore the
of

customary
courtroom attire
their respective countries.

Dieter C.

Dr.
Federal
was Chairman of the Trial.

Republic

of

Umbach,
Germany,

no

progeny,

concerned

Alpha, a married

The controversy before

the
Genetic
Court
Technology
and grew out of the
following fact pattern: Mr. and
Mrs.
couple
desperately
with
more
wish
to
has no
children.
blood
his
having died in World
relations
War
suffers
surgical
from
could
operation
cause severe
damage
to her health.

relatives, most

and pregnancy

have
Mr.

permanent

previous

II.

a

Alpha

Alpha

Mrs.

one

or

of

of

the

the

with

consent

agreement

with him, to give

On the advice of his doctor

of his

and with the

wife, Mr. Alpha approaches Mrs.

Beta who is married and willing

her

-

basis

husband - on

of an

to conceive a

oral arrangement

birth

child

to it, and

the

child to Mr. and Mrs. Alpha for

adoption.

Beta

\$20,000.

received

After

born,

Beta refuses to

however,

and returns

give up the

Mr.

the fee in full.

and Mrs.

Alpha then bring

an action for

the return of the baby.

fee

Anna

a

Baby

For this

child

hand

over

Mrs.

Mrs.

is

of

to

Mr.

Still

older

means,

children

seeking to obtain

a

child by any

and

Mrs. Alpha finally make contact
through the intermediary

of an

organization with a Mrs. Gamma,

who is married and

already has

two

is

willing - also with the consent

be

of

inseminated

artificially

with

Mr.

Alpha's

semen and to bear

Mr.

child for the Alphas.

the

a

and

Mrs.

written

Mrs.

Gamma

inter

of

alia,

understanding:

conclude

with

contains,

which

the following points

contract

husband

Alpha

her

and

to

-

1.

Mrs.

Gamma agrees to arti-

2.

3.

4.

insemination

ficial

and

acknowledges that the child

will

the

sole purpose of adoption by

the Alphas.

be conceived for

she

Gamma is to bear the

Mrs.

of \$50,000

child for a fee

to

and

renounce

all

parental rights and to give

the baby

to

the Alphas.

promises

birth

adoption

for

at

not

form

will

to form a

Gamma declares

that

Mrs.

or
she
parent-
attempt
child relationship with any
child
give
birth to as a result of the
artificial insemination.

that

may

she

if

for

even

defects.
that the

The Alphas assume all legal
responsibilities
the
born with
baby,
serious
They
contract
declare
is
valid
the
mother
condition
Mrs.
ten days
after the birth in which to
change her mind.

only
that the

Gamma

under

has

to

to

at

home

After

and
her

Fifteen

conducted

for a week.

immediately

passed,
give

Gamma appears
give

Mrs. Gamma receives the fee
\$50,000 and the
artificial
of

a
insemination

The
sperm bank is successful.

Baby Barbra to
Alphas take the
after
their
days later
the birth.

asks

Mrs.

Baby

the Alphas

the

Barbra

Gamma

week has

Barbra

refuses

she

has

back,

feelings

strong

up the baby she

against giving

The

bore

the

Alphas

is

surrogate

binding.

Gamma and

the Alphas request the court to

the

consider the

surrogate

and

to determine whether custody of

Baby

granted

to the Alphas or to Mrs. Gamma.

of

mother contract

surrogate.

that

mother agreement

Barbra should be

emotional

Mrs.

Baby

Both Mrs.

validity

stating

insist

that

as

a

Mrs. Alpha, who can produce
healthy eggs, finally wishes to
she is
have a child
genetically
the

to which

related.

30

as

in

by

an

out

egg,

well

donated

willing

providing

and fertilized with

contact with a
Alphas get into
vitro
hospital

as

a

fertilization

Delta

carrying mother: A Mrs.

is

an

to 'carry

embryo for them and agrees to a
similar contract as Mrs. Gamma,
especially
to the implantation

Mrs.

of

Alpha

the

semen of Mr. Alpha. The result-
ant embryo of the commissioning
is trans-
couple, the
ferred to and implanted in
the
carrying
Delta.
agrees to carry the embryo
She
to term, to
birth to the
child
to
and
the child,
the Alphas.
Baby Carol, is born Mrs.
Delta
changes her mind and decides to
keep the baby.

to hand it over

mother,

Alphas,

After

give

Mrs.

Are

the

Alphas

damages

contract?

limited to
of
obtain an order for
of
Baby Anna, Baby
Baby Carol?

Can

the

remedies
for breach
Alphas
the return
Barbra
or

its

reach

eloquent

throughout

decision.

announced

and
After
extensive
argument by counsel,
which held the attention of the
audience
the
proceedings, the Court recessed
to
The
Chief Justice
that,
by a 6 to 1 majority, the Court
found for the defendants in the
cases
Baby
Barbra, declaring the contracts
to be against public policy and
In the case of
unenforceable.
Baby
a
2 the Court
majority of
decided
the
plaintiffs
that,
because of the stronger genetic
ties,
result was
justified.

Baby Anna

declaring

different

however,

Carol,

favor

and

of

of

by

to

in

a

5

on

are

The

tape

trial

video

entire

available
from the Center.
within

was
and
for
For
United
cost of the 2 hour, 40
\$90.00
and
else-
Be sure
VHS
or

recorded
copies
purchase
shipment
States,
minute
which
handling.
where, please inquire.
to
-
Beta.

is
tape
includes

0.8.
postage

shipment

specify

format

For

the

the world jurist 19

Continued from page 8

the

denounced trade sanctions which might impede maturing economies and stressed necessity of upholding the GATT principle of preferential for developing countries; and urged avoidance of trade restrictions that would curtail expansion of the role of business in foreign trade and investment.

treatment

small

NUCLEAR WEAPONS AND

ARMS CONTROL

" 'Star

Weapons

Chaired

following

and
Wars'

Phenomena."

also served

The topic for

the Panel on
Arms
and
by
Salter, Esq., USA.,
as
Yehuda
Davis,
P. K.
Mr.
of
panelists
the
summar-

Nuclear
Control was
Other
Leonard M.
the
panel members: the Hon.
Blum, Israel; Robert M.
Esq., U.S.A.; Prof.
Menon,
Seon-Ki
Korea.

had
Conference
ized in their presentations.

Most of the

which were

Republic

Barbados;

written

Dr.
and

papers

Park,

for

a

He

the

United

Nations

treaty.

purposes.

Ambassador

illegal
interpretation

Prof. Menon referred to the
for
danger of the use of space
noted
military
had
that
is for the
declared that space
Mr.
benefit of all humankind.
strong view
expressed
Park
testing in space for Star
that
under a
Wars would be
the
of
proper
Blum
ABM
that world leaders must
stated
about the
be greatly concerned
nuclear
possibility

they also
holocaust, but
to
take
have
the
unrealistic
disarmament
felt
that the present non-prolifera-
full
tion
answer and referred to some
of
in
the
inherent
establishing
free
zones.

positions
problem.

difficulties

that
not

nuclear

treaty

of a

duty

not

He

on

is

a

a

of

Mr.

his

gave

Davis

activities
the

a summary
as
report
Center's
Chairman
Committee
Weapons
Control, noting problems he has
experienced

the
Committee.
membership

in completing

Nuclear

of
on

the

of

of

and

Union

referred especially to

his
He
so far
unsuccessful efforts to
obtain representatives from the
the Peoples
Soviet
also
Republic
announced
Leonard
Salter, the panel chairman, had
agreed
as
Committee Chairman and that he,
Mr.
Davis, would continue as a
consultant.

succeed

China.

that

him

Mr.

He

to

He

use

from

pledge

superpowers.

Mr. Salter spoke of the nu-
no
the
also
lawyers, since they

as peacemakers in the
uniquely
world,
attain-
of
through
Following his remarks, he
question

clear threat, calling for a
first
world's
noted that
function
domestic
suited to work for the
ment
peace
law.
coordinated a
lively
and answer discussion.

world

are

by

the

The

panel recommended

the
adoption of a resolution, later
accepted
Conference,
calling upon all jurists of the
world
peaceful
settlement
international
conflicts in order to eliminate
the need for nuclear weapons as
well as other types of weapons.

to promote the

of

LEGAL EDUCATION

on

the

The

Education

panel
examined

Legal
on
China,
Chaired by

Education

"Foreign
Research
Korea."
Lawrence w.
following
panel: Dr.
Switzerland;
Choon-Ho
Japan;
Republic
and
Malcolm Smith, Australia.

Legal
topic
and
Japan and
Professor
Beer, U.S.A., the
the
von Senger,
Paul Chen,
Park,
Prof.

Harro
Prof.

served on

of Korea;

Prof.

also

In

stressed

own law.

opening
Beer

West to deepen its

Professor
studying East
the
standing of its
in
with
systems can the Western
understand the peculiarities
the
positive
negative
run,

remarks,
that
Asian Law helps
under-
Only
other
lawyer
of
the
the
long

said, we

Western
as
sense.
Professor

law
well

comparison

in
in

-
as

Beer

the

In

that

have to learn from each other .
He stated
period of
the one-sided legal information
flow from
to the
non-Western world has passed.

Western

the

the

The panel, a "rather extra-
ordinary group of experts" - as
it was called by Professor Beer
-
situation of
legal research and education on
East
different
areas in the World.

discussed

Asia

the

the

in

he

of

what

Senger,

and teacher

precarious

Privatdozent

termed
state

Dr.
First,
responsible
Harro von
for East Asian Law at the Swiss
Institute of Comparative Law in
Lausanne
East
Asian,
especially Chinese Law,
various Swiss universities,
at
the
outlined
rather
of
affairs in (Western) Europe. In
all of Western Europe, he said,
even one
there does not
chair
regular
for
Only London
East
University
certain
institutionalized basic courses
Chinese and Japanese Law to
on
of the School
the law students
of
African
Among trends in West-
Studies.
ern European legal research
on
East Asia, he
some
Euro-cent-
tendencies
rism
basic
assumptions are concerned.

full-time

identified

Oriental

towards

offers

Asian

exist

Law.

some

and

far
as
as
in
to
on
Paul
since
Japan
fifties
Professor
linguistical

Professor
of
Chen,
at the Univer-
comparative law
sity
of Tokyo, spoke about the
status of Chinese law in Japan,
States.
England and the United
According
Chen,
the "sinological approach" with
emphasis
and
viewpoints has been
historical
the
replaced
more
early
juridical
a
England,
technical
the study
law was
never a purely academic matter,
practical
but always of
interest
with
respect to Hong Kong.
In Hong
Kong, Chinese customary law had
be
and
integrated
legal
concepts which can only be done
a
successfully
deep
two

understanding of the

approach
In

too, especially

on the base of

sense.
of

into English

apparently

Chinese

great

by a

has

to

in

the world jurist 10

Continued on page 12

and

into

expand

terrorism,
other

should
human
rights, international business,
pollution,
forced

He
labor,
special
advocated

by
Chambers
mutual
the
by national
referral of
courts.

more use of
of
agreement

judges

areas.

cases

and

ICJ

for

called

Judge Heyer

jurisdiction

on reservations

a
to
and
Court's
through treaties.
improvement
current
of regional representa-

limitation
compulsory
major expansion of the
jurisdiction
He
was
system
tion on the Court.

also felt that

needed

the

in

on

good
floor
of

comments
with
some

Many
from the
discussion
issues
commented
case,
supported
felt that the U.S.
by
recommended
jurisdiction
provisions.

came
spirited
of
the
raised. President Singh
Nicaragua
Americans
He
hurt itself
also
ICJ
treaty

the
many
decision.

expansion
through

withdrawal.

saying

the

He

of

as

the

later

panel

accept

adopted

resolution.

agreed
recommendations

The
upon
several
which
were
a
Conference
the
resolution calls on all nations
to
compulsory
jurisdiction
of the ICJ; urges
that each future treaty include
jurisdic-
a
a dispute
tion on the
and
arises
a
calls for
committee
the
feasibility of
a
non-governmental
international
Court.

clause conferring
if

establishing

investigate

under the

creation

treaty;

the
to

ICJ

of

HEALTH AND DRUG LAW

as

The

Panel

Law had

on Health

and
its
topic
Drug
Regulatory

"International
Pharmaceutical
Health
Problems."
by Milton
Bass, Esq., U.S.A., the follow-

Chaired

and

Margaret A.

also served as

ing
Prof.
Canada;
Republic
Ralph
Republic of Germany.

of
Dieter

Mr.

Chang-Hee
Korea;
Wilk,

panelists:
Somerville,
Kong,
Mr.
Federal

and

In

on

slide

present

outlook

projector,

presentation

situation
for
covering

Prof. Somerville gave an in
AIDS.
depth
Using a
she
discussed its origins, assessed
and
the
discussed
the
all
future.
-
aspects

-
medical,
she
a
complex legal
multiplicity
She
issues
.
also
of access
discussed
to
great
expenses
in the care
and treatment of AIDS patients.

observed that there was

of
involved

health care and

the AIDS threat

questions

economic

incurred

social,

the

of

in

to

led

the

what

where

Korea

concerted
he

Mr. Kong discussed the drug
rapid
scene
action
response and
have
termed
"successful operations" against
Mr. Wilk told
illicit traffic.
about
an
Federal
organization
and how it

Republic of Germany
and
was
alcoholics.
of the
cooperation
the
prosecu-
Courts, and
tors
over
punishment.

of lawmakers,
criminal

in offering therapy

helping drug

work
in

addicts

spoke

the

of

He

is

of

Bass

that

there

Drugs:

between

Chairman

Campaign."

of his paper

fear and public

gave

a
entitled
summary

The
"The High Cost
The

Anti-Generic
campaign, he felt, had been one
deception.

of
Stating

no
brand-name
difference
and generic

he said
pursuit
there
of a
false
generic
representations
drugs.
upon
physicians,
and
consumers to look to regulatory
outside
bodies
whether
sources
individual
are
bioequivalent.

products,
had been active

rather than to
deciding

about
called

pharmacists

involving

program

generic

drugs

He

in

The

panel

agreed

resolution,
the

later
Conference,

adopted

on

a
by
outlining

or

be

which

should

issues

requirements

met by

laws

addressing

AIDS.

It

information,

education

avoidance of excessive fear.

interventions

by

for

and

the

raised

called

counseling

facilities

also

and

CONSTITUTIONAL LAW

S.

J.

on

panel

Archibald,

Bicentennial

of the

Comparing

Q.C.,

British Virgin Islands, chaired

the

Constitutional

Egg. Its topic was "Celebrating

U.S.

the

Constitution:

the

Other

Constitutions

members

were

Silvia Park, Esq., U.S.A.;

Dr.

Luis Eduardo Boffi Carri-Perez,

Tadakazu

Argentina;

Fukase, Japan; Judge

Dong Heub

Lee,

and

Prof.

Winslow,
Singapore.

of Asia."

Valentine

Republic

Korea;

panel

Prof.

the

of

of

on

were

with

Judge

Several

remarks.

optimism

panelists

centering

Four of the

had
Confer-
written papers for the
summarized in
ence which

Lee
opening
about
spoke
of
considerations
pending
changes
in

constitutional
Korea.

Constitutions
were examined with much of the
discussion

the
U.S.
significance
Constitution,
in
lasting

the
consequences
adoption
and
panel

examined its influence on other
particularly
Constitutions,
that
those
in
that
had been very great.
influence
The
people
join in celebra-
everywhere to
ting the 200th Anniversary
of
the U.S. Constitution.

and
of
development.

of
as the first

of Asia, and found

instances

several

called

world,

panel

The

the

the

its

on

the

from

Questions

definition

floor

the

of

regarding

protected by Consti-

"person"

the

tutional

provision

Japanese

Constitution regarding spending

for

to

very interesting discussions.

rights

of

purposes led

military

and

the

the world jurist 17

Rotary Int'l Pres.
Charles C. Keller
presents Presidential
Citation to Pres.
Rhyne

Panel on Foreign
Trade & Investments

Law/Technology
Panel

Mary & Charles Burton
Part of Attentive

Audience

Panel

Int'l Arbitration

P

0 enin

Session

9

Prof. Lawrence Beer
Speaks during
CONstitutional Law

Panel Sesszon

.

Dr.Tai YOUNG Lee
speaks to panel
audience

Only

Standing Room

Hard Wbrking
Center Team
Takes Short Break

Human Ri gh ts

Panel

Chief Justice

R.S. Pathak &

Mrs. Pathak, India
attend panel session

Human Ri gh ts
Panel Audience

Audience participation

Registration

Formal Banquet
Alice Armstrong
gets friendly hug

Family Law
Panel

Two seats
dour: front

Deep in Thought

Packed session

Continued from page 14

agree

could

parties

or have the law of

to
the
any
follow
country,
third
country, control in an arbitra-
tion dispute.

including

a

1985

proposed

A resolution

and
unanimously accepted was
later
agreed to by the Conference. It
nations to adopt the
urged all
1958

Convention on Recognition
Arbitration
and Enforcement of
Awards
UNCITRAL
International
Model
Law
Commercial

It
that
stated
of these
preclude countries from
should
entering into bilateral
treat-
arbitration
ies
and
to
recommend
to
their clients.

and the
on
Arbitration.

providing for
encouraged

attorneys
procedure

neither

this

BANKING LAW

The

had

as its topic

Panel on Banking Law,
Lucio Ghia of
"The
Crisis."
Mary
U.S.A.;
Republic
Chung,

chaired by Avv.
Italy,
International
Other
Belle
Kyung-Keun Cho, Esq.,
of Korea; and
Kye-Sung
Esq., Republic of Korea.

panelists were Ms.

Feltenstein,

Debt

The

panel

met

audience.

agreement

large
general
international
was
threatens
among nations.

indeed

before

There

that

a
was
the
situation
which
relations

debt

a

crisis

peaceful

he

Mr.

Cho

past,

referred

summarized

"astonishing

over the long term

Despite difficulties

his

paper outlining Korea's experi-

financial restructur-

ience in

in

ing.

to

the

results

as

success." Mr.

an

govern-

Chung

a

ment's

reli-

shift

ance

toward

equity financing.

Felten-

stein

debt restruc-

discussed

recommending the issu-

turing,

freely

ance

transferable

for

that purpose.

his

encourage

discussed

plan

to

borrowing

Ms.

away from primary

instruments

negotiable,

upon

of

the world jurist 16

The

panel

audience

following

the successor

presentations,

the obligations of a

Several questions came from

the

the

panel's

one of

which concerned the responsibi-

government

lity of a successor

prior

to

government.

felt

government

that

Although

would be responsible.

conceivable

might

extraordinary

arise

a

circumstances

different

was

event

considered

and

area

where any variation would be of
very limited application.

result,

an

highly

unlikely

dangerous

might justify

that a case

where

it

a

the

which

The panel

recommending

proposed a reso-

Conference

lution,

accepted,

the

securitization of debt restruc-

turing agreements with the debt

negotiable

to

instruments,

freely

transfer-

able and assignable.

be evidenced by

INTERNATIONAL COURT

OF JUSTICE

R.

by

for

the

and

topic

Panel

U.S.A.,

Astwood,

"Protecting

Jurisdiction"

served as panel

Paul S.

the

Expanding

was

The Court's

the

on

International Court of Justice.

Edelman,

Chaired

following

Esq.,

members:

also

Sir James

Chief

Justice, Bermuda; Chief Justice

Muhammad Haleem, Pakistan; Hon.

Heyer, U.S.A.; Prof.

Robin
8.
Jung-Gun
Kim,
of
Korea;
Monaco,
Several panelists
Esq., U.S.A.
written papers which were
had
summarized
presenta-
tions.
A large audience was on
hand throughout the session.

and Daniel J.

Republic

in their

What

would

presence

been

in

have
session

an
interesting
any

event was made even more so by
the
Hon.

Nagendra Singh of India, Presi-
dent of the International Court
took an active
of Justice, who
part
on
several occasions.

discussions

the

the

of

in

Prof.
suggestions

jurisdiction

Kim offered a number
for
expanding
of the Court.
garte

were:

ex

these

of
the
Among

the

using

jurisdiction by

the Court's
proceedings; using
agree-
equity

a

ment of the
parties;
procedure
preliminary decision

Court of the
like that of

expanding

European

the

to

include international organiza-
tions;

special

appearance

rights to challenge

jurisdiction without submitting
to the Court's jurisdiction.

jurisdiction

expanding

Community;

advisory

and

Mr.

withdrew

jurisdiction

to participate on

criticized
enough

Edelman discussed his
he

reviewed

paper

in which

In that case

Nicaragua v. U.S.

from

U.S.

the

and
compulsory
refused
the
merits once the Court held that
The Court
it had jurisdiction.
was
for
not going
far
fact
refusing
finding
Salvador.
intervention
He felt that
should
have defended on the merits and
from
not withdrawn
compulsory
He believed some
jurisdiction.
the Court
U.S.
had
justification.
He
the
Court and the U.S. were hurt by
the outcome of the case.

criticism of

in impartial

concluded

plausible

by
the

in
El

both

that

U.S.

and

J.

the

John

Graham,

Esq.,
he
U.S.A.,
summarized a paper
He
had written about the case.
its
believed

hurt
fully
credibility
investigating the U.S. defense.
the finding
He also criticized
that Nicaragua had standing
to
bring the case.

Court

not

by

of

Mr.

suggested

feasibility

Monaco
the

a
of
study
non-governmental
setting
up a
court with broad
international
into
jurisdiction
individual
violations
and other matters for which the
jurisdiction.
ICJ now
President
the
idea because
felt it would
influence public opinion.

Singh supported

inquire

rights

has

to

no

he

Chief

Justice

wider use of the ICJ.

supported

strongly

and
said
successes and that, by
or

multilateral

Court

has

the

Haleem
the growth
He
had many
special
agreement, it

Ryssdal looks on.

Receiving the Extra-ordinary Contributions to the Law of Humankind Award is the Hon. Rolv Ryssdal, Pres. of the European Court of Human Rights. Mrs.

President Nagendra Singh of the International Court of Justice accepts Nbrld Justice Award from President Rhyne as Mrs. Singh looks on

Dr. Franklin Hoet Linares of Venezuela accepts Wbrld Lawyer Award

Procession of flags - Fori-201al Banquet

World Outstanding National Chairman Award is presented to Lucio Ghia of Italy. Mrs. Ghia shares the ocassion with him

Formal Banquet

Banquet audience entertained by Korean Royal Martial Art Performers

Korea's Minister of Justice, H.E. Chung Haechung reCeives Special Appreciation Award, as Mrs.

approvingly
Justice of Nigeria

WOrld Jurist Award is presented to the an. Bola Ajibola, SAN, Atty-Gen. and Min. of

Chung smiles

INTERNATIONAL

ENVIRONMENTAL LAW

Development

which
Republic

Dean
of
Nanda,

and
"Resource
International
Environmental
Law" was the topic of the Panel
International Environmental
on
Jae-Shick
Â£5! for
and
Pae,
Prof.
U.S.A.,
served
Other
members of the panel were Bruce
Prof.
Bailey,
of
Hyo-Sang
Korea;
Lee,
Republic
and Prof.
Mrs.

R. Mushkat, Hong Kong.

as Co-Chairmen.

Prof.
of

Sang-Don

Republic

U.S.A.;

Korea;

Chang,

Korea,

Ved P.

Esq.,

Prof.

Conference.

after which

Both Chairmen made

opening

panelists
remarks
prepared for
summarized papers
Nanda
the
noted at the
outset that there
are at present no clear answers
should take
to where a
its
case
or
problems such as
threatened by
acid
layer,
nuclear power plants or others.

nation
when

damaged

ozone

rain,

the

in

in

in

by

the

and

Dam

North

Prof.

subjects

Republic

of whom had

himself
depth

industrial
Seveso,

to
Mr.
co-authored

Chang and Prof. Lee,
prepared
both
addressing the problems
papers
involving the Han River and the

under
Kumgangsan
Korea,
construction
spoke on these
which
uppermost
are issues of grave,
the
concern
of
Bailey discussed a
Korea.
Prof.
paper
Hands
which
questions
addressed
safety
concerning
raised by
Italy,
of 1976, the disaster
accident
in Bhopal, India,
in 1984, the
Chernobyl
the
1986, and the
Soviet Union
fire
Basel,
and
the Rhine
chemical spill
River
While
of
noting
that
these events, he observed
world
they
community into paying
special,
and urgently
needed, attention
to
issues concerning hazardous
substances
Mrs.
of research on
plant
Republic of China.

results
a nuclear power
proposed by the People's

Switzerland,
into

Mushkat reported

technologies.

catastrophe

shocked

nature

tragic

1986.

late

had

and

the

the

in

in

the world jurist 18

He

Prof.

Nanda

legal,

affects

adverse

pointed

suggested

there are actions

out

which,

that

nevertheless

although

on

can

have

everyone.

that

environmental law be viewed not

legal concept but

so much as a

the

as

legal

lives

a

fraternity,

special

great

responsibility in this area.

something that affects

said,

very

people.

The

and

has

of

he

proposed

Conference,

A resolution

by

the

panel, and later agreed to

by the

called for

concerted global efforts in addressing

environmental threats

or problems, stated that boundary encroachments causing environmental

harm are contrary to

environmental

urged con-

international

sultation

to

avoid

negative

or

transboundary environmental impacts, and supported the effort to

of

the

resolve

Dam

issue in a peaceful manner.

Republic of

the

law,

between

Kumgangsan

eliminate

states

Korea

NEW INTERNATIONAL

ECONOMIC ORDER

on

the

The

Panel

Economic

New
International
Order
was chaired by Prof.
Sang-Myun
Rhee, Republic of Korea.
Prof.
Cameroon
Ndiva
served as his co-panelist.

Kofele-Kale of

a

the

law

New

with

Prof.

International

Rhee's presentation
historical
began
of
explanation and description
countries' call for
developing
Economic
a
He discussed the
Order (NIEO).
of
of
legal
nature
development, proposing a stand-
for arriving at a recogni-
ard
which have
tion of
emerged from NIEO debates.
The
four ele-
standard encompasses
ments: fair, reasonable, neces-
sary
both
developed and developing count-
ries.
He expressed the opinion
that
international conventions
remain the most effective means
for
and
principles of the N180.

furthering the

beneficial

principles

norms

and

to

Prof. Kofele-Kale said that
on
(GATT) must

the
Tariffs and

Agreement

General

Trade

as

of

Nation

Favored

realities

He discussed

viewed in terms of the con-
be

Third
temporary
the

World trade.
(MFN)

Most
principle
well as two MFN
standards: elimination of trade
ex-
barriers
reciprocal

He
change of trade advantages.
expressed

belief that NIEO
is

basis of
emerging as a binding
international
indicating

that equitable treatment should
be
distinguished
from equal treatment.

favorable

law,

and

and

a

at

this

well

panel

number

Following

presenta-
attended
tions
session,
of diverse
questions continued to hold the
attention of
A
resolution
equi-
table and
treat-
ment of developing countries in
international trade was adopted
by the Conference.

preferential

audience.

calling

the

for

MOCK TRIAL

prior

years,

in
Mock Trial was again

this
As
a
year's
Meeting
Conference highlight.
on Wednesday
in
the
Headquarters Hotel's Convention
Center,
unfolded
before a capacity audience.

evening

drama

the

All

Chief

of the

Justice

members

Republic

respective

Wolfgang
of

Court
were from the highest Courts of
nations.

their
Serving as

was
Zeidler,
Prof.

Dr.
Federal
Germany.

Other members of the Court were
Chief Justice Mohammed Belle of
Nigeria,
Park

of the Republic of Korea, Chief
Pathak of India,
Justice

Jin Wee of
Chief Justice Chang
Singapore,

Tan
Sri Dato A. Hamid Bin Haji Omar
of

President
Aleksandar Fira of Yugoslavia.

Justice wu Dong

Malaysia,

Justice

Chief

R.S.

and

Four

distinguished

case.
Eugene C.

attor-
For the
neys argued the
Thomas,
plaintiffs,
States and
Esq., of the United
the
Myung
as
Republic
the
counsel.
defendants
K.

Malcolm, Q.C., of Australia and
I.A. Hunter, Q.C., of England.

Korea
Arguing

Duk Kirk, Esq.,

served

David

were

for

of

of

the world jurist

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1000 Connecticut Ave, NW
Washington. D.C. 20036
United States of America

Non-Profit Org.
US. POSTAGE

PAJD

Washington, D.C.
Permit No. 525

The World Peace Through Law Center,
in accordance with its Constitution and
By-Laws, has as its major purpose to
persuade the Nations of the World to
accept more and more treaties and con-
ventions, so as to expand the network of
transnational law and legal institutions,
thus fostering the development of a World
of Peace with Justice in
all areas of
international
contact of Peoples and
Nations.

BEIJING, PEOPLE'S

REPUBLIC OF CHINA,

SITE OF 1989 CONFERENCE

and

the

the

the

His

from

World

Supreme

Plenary

Law of
meeting
accepted
invitation
Immediately

by
to the

Center
convened.

following
Session
World

the
on
Closing
As-
Friday, the
During
sembly
was
Assembly
the
an
received
Excel-
invitation
Ren Jianxin, Vice Presi-
lency
dent of
People's
Court, on behalf of his country
14th Conference on
to hold the
the
in
Republic of
Beijing,
China.
was
delivered
Chinese
Conference,
delegation
consisting of Mr.
Wang Tieya,
Mr. Liao Boya, Mr. Wang Huaran,
Mr. Wang Haitao, Mr. Liu Daqun,
and Mr. Li Jingsheng. Dates set
are
for the Beijing Conference
1989.
August
20-25,
Details
next issue
the
will appear in
of The World Jurist.

the
People's
The

BE HELD IN VENEZUELA

ENERGY CONGRESS TO

Chapter of
the
Center will host an Inter-
national Energy Law Congress in
Caracas April 10-13, 1988.
The
meeting will be under the joint
auspices
state
well as various
authorities as
non-governmental
in
Venezuela.

urged
only to attend but also to
confer-
respective

not
publicize the
ence
countries.

Venezuelan

Venezuelan

members

Caracas

Center

bodies

their

The

are

of

in

the world jurist 24

EVERY MEMBER GET A

MEMBER CAMPAIGN 1988

accomplished

Through Law Center

The objectives of the World

can
Peace
with the
only be
maximum
and
participation by the members of
the legal profession throughout
the world.

support

from

World Peace Through Law Center
1000 Connecticut Avenue, N.W.
Suite 800
Washington, D.C.

20036, USA

I have recruited the following
new Center Member:

Name:

of the Center is

The

Center
that

enlist
the Center.

announced
membership
undertaken
member
asked to
for
thousands
world
substantial
Center's
establishment
order.

peace

of

campaign

in

is

which

has
a

therefore
special new
being

every
being
new member
way
new workers for
about
with the
the
of world law and

bring

a
In

this

for

can

progress

goals

Please

take a few

minutes
for the cause
of world peace,
and talk to your associates and
friends in the legal profession
to join and support the
Center
Please do
and its
that
what
can
every possible
the
legal profession throughout the
world will have the opportunity
to
the
WPTLC.

in
member

activities.

member

become

order

you

of

of

a

in

the

obtain

You

can

enrollment card by cutting
the form

Please

address of the

have

mail

Secretariat without delay.

your

out

next column.

and

new member you

and

Center

enrolled,

to

insert

name

sign

and

the

the

it

Indicate if:

lawyer

scholar

judge

other

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country)

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W. A Cook

Questions

and

discussion

the

divorce,

outside

audience

decrees,

concerned

from

recognition

Japanese

of

property

distribution, custody, enforce-

ment

after

to

divorce,

Some

stop

divorce

delegates

laws

own

countries.

and customs in their

a planned abortion.

injunctions

judgments

about

told

and

of

for

luncheon

recessed

Delegates

a

delightful

following

which they heard an outstanding

address by the Hon. Masami Ito,

Justice,

of

Japan.

Supreme

Court

of

The

Co-chairmen

had
afternoon session
and
as its topic "Jurisdiction
Foreign
Recognition
were
Divorce."
and
Masatsugu Mitsuki, Japan,
the Hon. Judge Dan Winn, U.S.A.
Dr.
Other
Pedro
Puerto
Rico, and Prof.
Junko Torii of
Japan.

members were

panel
F.

Silva-Ruiz,

of

and

and

the

both

times

issue,

States

States

United

United

strongly

said
the

abductions

full faith and credit

Prof. Silva-Ruiz summarized
re-
his paper which dealt with
cognition of foreign divorce in
with
the
child

in the
United
worldwide.
Judge Winn, calling custody the
that
paramount
State
until recent
Courts
States
inclined to
were not
to
give
states.
the decrees
served
Recent
to
the
number of child kidnappings, he
termed no fault di-
noted.
a relatively new concept
vorce
He also
in the United States.
said he had found much that
he
liked in joint custody, another
Torii
recent
presented
on
International Divorce Jurisdic-
tion of the Japanese
Court and
The
Foreign
Divorce Decrees in Japan.

concept.
her

legislation has

substantially

Recognition

reduce

other

Prof.

paper

of

of

He

Much of the discussion that
followed centered on the degree
of recognition
a foreign court

It

or

no

any,

could

requires

decree.

such

be

likely give to a divorce

would

by mutual agreement

- the type

of divorce most common in Japan

court

-

which

judgment

was

a defect,

suggested that

cured

if

by

subsequent

approval.

Opinions varied considerably on

the likelihood

recognition

as

court

as

any bars

approval would remove

recognition.

to

Several spoke

floor

the degree to which

regarding

marriage is

sacred

in their respective countries.

of

whether

considered

foreign

court

well

from

the

An

and

their

all

the
outstanding
of the Supreme

Seminar
evening's

highlight
participants
for
was
reception
hosted by the Chief Justice and
Justices
Court
After an opportunity
of Japan.
to visit the Grand Bench, dele-
guests
gates
assembled
of
the
where they
were
brief
address by Chief Justice Koichi
Members of the Court
Yaguchi.
the
remained
evening,
their
guests
an
and
opportunity
to talk informally
with their distinguished hosts.

in the Main Hall

throughout

mingling

welcomed

Supreme

giving

Court

with

them

in a

building

The

Court
new,
handsome
understandably
great national pride.

structure

a source

is

a
and

of

The final session

on Tues-
day morning discussed "Children
and Divorce."

Koichiro
of Japan was Chairman
Fujikura
of the
members
were
Naofumi
Hamayotsu of Japan.

Other
Itsuko Mori and

panel.

Prof.

its

Ms.

the

and

Mori

previous

summarized

discussions

Obligations

her
paper, "The Sharing of Parental
At Di-
Rights and
supplement.
vorce,"

of
Recalling
the
noted
case of divorce by
that in the
agreement,
full

agreement or
will be no

Noting that there may
divorce.

be a problem of recognition
in

said
other
that such a
be

jurisdictions, she

there must be

divorce

could

there

day,

she

the

deemed

normal,

divorce

out that sole

supplemented by a court
if
necessary.
pointed
was
practice
of
custody
attention.
and
discourage
rights
between both parents.

decree
She
custody
historic
child
joint
some
Currently scholars
to
share
responsibilities

in Japan for a
that
received

the Courts have tended

attempts

had

and

but

to

Mr.

Hamayotsu

discussed

synopsis of his paper
he
legal
available
for compelling the delivery
a child or for
of visitation rights.

gave
a
in which
measures
law
of
the enforcement

Japanese

under

Mr.

John O'Neill

of New
about the divorce
speaking
the

support

of

of his country,

Zealand told
laws
strongly
family unit.

for

Dr.

Tai

Young

of

Korea

Republic
divorce in her country.
that
all
she
peace in the family.

children suffer

when
urged

marriages

all to

Lee of the
discussed
Noting
of
break up,
for

most

strive

It

and

Questions

matters -
medical
situations.
agreed
that
jurisdiction

discussion
from the floor centered largely
on
rights,
custody
care,
obligations,
emergency
was
courts
generally
retained
after
divorce and the power to decide
controversies

A
about
question
Japan
surrogate
but
or
controversy
has
arisen there.

was
motherhood in

on this issue

apparently

arise.

posed

case

that

no

Prior

adjourning

to
Prof.

well
to
(Chairman

the
Seminar,
Somerville
summarized its achievements and
deserved
expressed
Yorihiro
appreciation
Naito
Japan
and also
Organizing
Committee
Chairman
the Center's National
members of
for
the
and
part in
all who had
making
an
outstanding success.

Japan),
Organizing

Mr.
of the

Committee

Seminar

played

other

the

a

the world jurist 23

Continued from page 10

of

the

Since

until

Chinese

foundations helped

In the United States,
systems.

law was
the study
the

underdeveloped
sixties,
fifties.

to
several
China Law Research
establish

In recent years, many
Centers.

of East Asian
American experts
universities
law have left the

institutions

and the

research

firms

to become members of law

acti-

engaged in

Although this
ties with China.

nevertheless,

set-back,

is

Universities

the

of

offering courses on Chinese law
is steadily increasing.

commercial

number

a

as

of

of

was

the

the

Asian

about

Asian

places

Malcolm

University

University

spoke

in

where,

he

Canada

in

the

The Australian

East

Smith,

Prof.

Law

Director

of

Center

of

the

Melbourne,

and

situation

both

Australia

first

countries,

professor of Japanese law.

His

work is now continued in Canada

British

at the

Columbia.

and

Canadian

Law

and Education Centers

Research

legal

serve

can

scholars

study

from

Westerners

Asian

law. Professor Smith underlined

a

the

broader

Asian

in

Legal

order to

of

Furthermore, Prof.

any nation.

the function

Smith

of
East
Asian law as
a counter-
balance to ethno-centricity and
a medium to broaden the base of
legal knowledge in the West.

Research
dominance

necessity to

knowing East

emphazised

education

establish

Western

offset

being

where

Study

legal

East

base

Asia

East

from

and

law

for

on

of

United

States.

Lafayette

Then, Prof.

Professor

spoke on the

Lawrence Beer
Civil
(Kirby
College,
Rights,
research

U.S.A.)
and teaching of Japanese law in
the
He
periods in
distinguished three
this
period
immediately after the
starting
World War, marked by an
Second
East
initial
with
Asian
still small
the
period
legal

of
studies in general

sphere; a second

development

field: the

attention

first

to

the world jurist 12

in

the

the

which

on East

the legal

mainstream

sixties,
research

the mid-seventies and
the

in
beginning in
and
which
Asian Law
education
institutionalized;
began to be
beginning
period,
and a third
con-
in

tinuing,
East
Asian Legal studies became part
the
of
general legal education in
the
Many East Asian
United States.
legal
experts
display
their
interdisciplinary
role
studies of law.
A great number
of Japanese, Korean and Chinese
legal scholars go to the United
States and vice
versa, putting
into
of
practice
cross-national research.

model

of

in

a

of

He

of

law

and

law.

Law,

Prof.

Finally,

research

(Faculty

stated
private

Choon-Ho
Park
Korea
University)
commented on legal
education
in
Korea.
that while
parts
and
property law still

suggest the
early Chinese influence, modern
Korean law is within the (Euro-
like
pean) civil law tradition
Japanese
After
the
(1910
Japanese colonial period
the
-
1945),
American
legal
began to increase in
influence
other
Constitutional
areas.
of
Korea
50
there
undergraduate
departments
enrolling some 6,000 students a
year.
suggested
and
that
private
seem
less inclined toward litigation
than in some other countries.

government
parties in Korea

Republic
now

Prof.

Park

both

and

law

law

are

the

In

The

panel

were followed
cussion
members of the audience.

among

presentations

by a lively dis-
and

panelists

MEDIA/

COMMUNICATIONS

The

Panel

Media/Communications
the topic, "New Horizons As
Approach The 21st Century."

on
addressed
We

The

following

panelists:
Esq., U.S.A.,
David
Pyung-Woo Kim,

Flint,

Stanley

Chairman;

Esq.,

served

as
Godofsky,
Prof.
Australia;
Republic

of Korea; Prof Rajendra
India;
Dr.
Thummel,
Germany.

Federal

Prof.

and

Republic

Nayak,
Hans
of

in

he

to

of

did
the
into
said,
Prof.
local
right
entry
danger
media's
included
Godofsky
Chairman
potential
Flint spoke
anti-trust
the 1970's.
forms of which
Other issues he
stated that the impact
successful
the
intro-
the theme of the session
duced
issue was
by stating the first
he
censorship,
said
administrative
censorship, prior restraint and
barriers
the
listed
media.
were the power
of the media to
make news, the right of privacy
of
and
access.
on
concentration
the problems
of ownership of the media.
In
Australia,
this has

been resolved by an application
of the
law.
The
from
concentration
not, in his
view, seem as serious a problem
as state inspired controls. Mr.
Kim
of
Korea dates
the mass media
He noted how
from
campaign
a
highly
conducted
Korean
System to reunite
Broadcasting
and friends separated
families
had
during
dramatically
the
mass media.
enormous power
called
He
of tension
an age-old
between
power
and
which, he
mass
since
said,
the
inception
communica-
Dr. Thummel outlined the
tion.
the dual broad-
development of
casting
and
about through
come
how it had
Federal
decisions
of
Constitutional
and
Professor
through legislation.
Nayak
in
developing countries should not
developed
imitate
contribute
nations
to
the
process,
especially

the
rights of consumers and through
the
their
education.

problem
political
communication
existed
mass

Korean
War
demonstrated

those
but should

referred to what he

system in Germany

development

advancement

defending

media

Court

said

the

the

has

its

by

of

of

by

of

of

As had

been
Conference,

true

at
some of

last
liveliest,
discussions
place when the

most

of

the week

time

came

the

the

spirited

took

for

a U091â\200\234

2 Engi-r-\201sh

3

4 Espanol

5 Korean

Mock Trial
Participants
Justices
and Lawyers

of the Court

An â\200\230her view

0â\200\234

David K.Malcolm, QC

Co-Counsel for the

Defense addresses

the Ccourt

Media/Communi-

cations Panel

Paul S. Edelman, gives Panel
Report at Plenary Session

Scene from Seoul City Dance Theatre
Special Performance for Conference

Delegates and Guests shown
leaving National Theatre

Kenelm L. Shirk, Confercrce
Panel Coordinator Co-Chairman,
introduces luncheon speaker

Charles C. Keller

Comments from the floor

lovely ladies
model Jindo furs
in special event
for Conference

LUNCHEON ADDRESSES

BANQUET AND AWARDS

SOCIAL EVENTS

Another

occasion

Conference

high-
light was the Formal Banquet on
Those present
Thursday night .
for the
heard a very
eloquent, timely address by the
Hon.
former
Chief Justice of Norway and now
President of the European Court
of Human Rights.

Ryssdal,

Rolv

of

prestigious

presentation

This was also the

occasion
the
awards.
President Rhyme noted prior
their
the
an
selections
and

for
Center's
As
to
Awards
easy task in making
from
outstanding nominees.

among many deserving

Committee never has

presentation,

the

for

of India,

International

President
Court

The World Justice Award was
Nagendra
presented to the Hon.
of
Singh
of
the
Justice.

The banquet speaker,
the Hon. Rolv Ryssdal, received
the Extraordinary Contributions
Award.

to the Law of Humankind
Chosen

World
Jurist

Prince Bola

Award was the Hon.

Ajibola, SAN., Attorney-General
of

and Minister
Nigeria.

Dr.

Hoet

was

Linares

selected

Lawyer

Outstanding

Award.

was

National

presented

of

Italy.

accom-

panied by a

spelling

out

the reasons for making the

award.

Chairman Award

to

of

for the World

Franklin

Venezuela

Each award was

citation

Justice

World

Lucio

Ghia

The

of

The

Minister

Center also

Excellency

presented
its Special Appreciation Award
to
His
Chung
of Justice
Haechung,
of
and
Conference,
Chairman
thanking
many
contributions to the success of
the Conference.

Republic of Korea

him

his

the

for

the

of

Following the

banquet, the
audience was entertained by the
Korean
Art
Performers
who provided an ex-
citing exhibition of talent.

Martial

Royal

an

by

Mr.

Four

with

scheduled

were held during

Monday's

Rukuro

luncheons,
outstanding
each
the
speaker,
Conference.
address
Kitayama,
was
of Japan
President, Federation
invited
Bar Associations.
everyone to
attend the Seminar
on Family Law which was held in
Tokyo following
the Conference
On Tuesday, H.E. Dr.
in Seoul.
Thailand's
Sa-Ard
Minister
spoke
about the System
of Justice in
his country.

Piyavan,

Justice,

He

of

The

Chief

World

Wednesday

Association

Center
on

Associates
was
luncheon
Gertrude
presided over by Mrs.
Brummund, U.S.A., President
B.
of
the
of
Center Associates.
Speaker for
the occasion was The Hon. wagdi
Abdel Samad,
Justice of
Egypt, who explored the
theme,
"Protecting the Citizen's Right
Trial by His Natural Judge,
to

as one
of
World Peace." On this occasion,
Mrs.
the
Center Associates' Pax Orbis Ex
medallion
Jure Award and gold
to the Hon.
Stray
Ryssdal
her
of
extraordinary
career of public
leadership.
She is the wife of
President Ryssdal.

Signe Marie

Safeguards

presented

Brummund

Norway

the

for

of

to

of

final

field

At the

U.S.A.,

history

luncheon

President

Charles C.

concentrate

International, told

on
Keller,
Thursday,
of
Esq.,
of
Rotary
how
a
Rotary's
and
effort

significant part of its
in
has tended
international
the
on behalf of
understanding and
the
world
single,
quest for
age."
great, imperative of our
he asked
In
on
President
behalf of
of the
Center, the Rotary International-
Citation as "a
al Presidential
sign
shared
commitment
building world
peace."

Rhyne to accept,
all

token of our

remarks,

members

closing

called

peace.

peace

"the

and

He

to

the world jurist 20

a

the

The

Chung

Minister

Conference,

Delegates
treated

and their guests

were
number of
to
special events during the Seoul
Conference.
Welcome
Reception given by the Chairman
of
His
Haechang,
Excellency
Justice,
Korea's
Law Day
following
Singh is
address of
described
It
was
followed on Monday evening by a
Theatre
visit
where
Dance
presented an exciting,
Theatre
Traditional
colorful
Dance
special
performance for the Conference.

to the National
the

of
World
President

Programme

Korean

above.

Seoul

City

in a

the

On

Tuesday,

everyone
enjoyed a reception and fashion
show
Fur
Company.

by the Jindo

hosted

On

for
attended
the final
embassies
their citizens

A large number

took advantage of available tours to
see
Seoul and some of its surroundings.
evening,
ings.
several
held receptions
who
Conference.
had
go

Our warm appreciation must
to Ambassador
James
United
Roderick
other
States
ambassadors
our
guests
delegates
this
and
exciting experience.

Mrs.
Lilley of the
and

recognition

special

their

gave

who

and

and

the

the

WORK PAPERS

A

by

for

Others

panelists

Conference

total of 74 work

received
printing were

papers
submitted
and
others were printed and distri-
dele-
buted to all
gates.
too
late
sum-
presenta-
marized during panel
tions.

a
and worthy contribu-
permanent
tion to their
sub-
jects
and to the growth of the
law of the World, both domesti-
cally
as
increasing
we
interaction
every
field.

and internationally,

particular

laws in

papers

These

ever

note

the

are

of

Continued from page 2

is

of

must

result

"years

involved

accomplished,

"But," he said,
worth

law would not be
the rule
that
instantly
of

this goal

"the
effort."

that
end
effort.

We believe our rule of
law effort will succeed because
humanity

it
to
survive
a nuclear world."
growing

And
"people

the
world

"information
explosion," he said he believed
strongly "that
the universally
acceptable
rule of law concept
is achievable in our day."

if
in
because

power" created by

wide

the

of

is

He

on

"can

said,

reason

addressed

can
world

only through

be
peace.

and prosperity of

Chief Justice Kim Yong Chul

the
of
Korea
noted that the
Conference.

no
security
guaranteed
nation

"World
without
be
peace,"

he
law
accomplished
rationality
which is based
other
and
rationality
reason

and
reason have a universality
to which we can all adhere." He
an

spoke of the need to create
international
system

in which people have faith
to

bring a lawsuit and
called for
the escalation of international
cultural
and for ex-
panding
international exchange
of jurists.

exchange

judicial

than

that

for

no

if

as

Chung

served

should

devote

Korea's

Haechang,

Minister

spoke

he

to and it is the

should

of

who

Justice,

Conference

also

next.

"The

Chairman,

said, "is in-

rule of law"

profes-

deed what we, as legal

our-

sionals,

prin-

selves

ciple

serve

during our lifetime." He called

it

men

should

He

our mutual

said that

and cooperation,

understanding

we can

harmonize

our different judicial systemsâ\200\235

so

complement

one another.

ideal

strive

to attain."

they will

"Through

improve

that

that

that

"an

all

and

we

Final

speaker

the
morning was Kin Doo Hyun, Com-
the
mittee
Conference
the

Chairman

also

and

of

of

the

the

the

and

said

some

follow

Noting

systems

nations,

dependence

legal
of

disputes rationally

National Chairman for
Center's
differing
Korea.

of
social
major
nations,
the
problems of the world, and
of citizens
mutual
he
and

he
ability to
believed we had the
"if
solve
of
we
the
reason."
play the
legal
leading
a
world community where "disputes
can be settled by reason rather
than force." Later in the week,
the
a
for
resolution of appreciation
in
Chairman
and
organizing the
for
its
success.

Conference
to

profession
in

to
building

his contributions

Conference

dictates

adopted

called

Kim's

work

upon

role

He

SUMMARIES OF THE

PANEL SESSIONS

afternoon

The Panel sessions began on
Monday,
the
September 7, and concluded with
those held in the afternoon
of
Thursday, September 10.

of

TERRORISM

Dr.

The

Panel

Federal

Republic

of Korea, met

exceptionally

on Terrorism,

Kurt

co-chaired by Prof.

of

Rebmann,

Ki-Choon Kim,

Germany, and Dr.

before

Republic

audi-

an

were

ence.

William W. Falsgraf, Esq., USA;

of

Dr.

Korea;

Naidu,

India; and Prof.

Amos Shapira,

Israel.

Kwang-Il Chu, Republic

panelists

M.V.A.

Other

large

Prof.

of

He

and

did

not

find

Prof.

record

Dr. Rebmann reviewed

terrorist

the

the past two
activities during
it
years
encouraging.
expressed
alarm over the number of states
which were
to
international agreements
aimed
at hijackers and said the world
all
community
in
states
to
cooperative
leets
this
He
called for the further develop-
ment of
to

appeal to
part

to
problem,

take
efforts

technical

critical

devices

parties

must

not

the highest degree possible and
for more
intensified
training
of airport personnel.

types

defined

summarized

Dr.

Chu

paper which
terrorism and outlined
of fighting
is of the essence and that
free world must
to
freedom is to survive.

his

of
methods
He said time
the
act decisively
terrorism
if

eliminate

it.

Shapira

measures

only when they

said
Prof.
describe
terrorism
is hard to
He said
but easy to recognize.
embrace
states
have tended to
combat
strong
to
terrorism
were
directly threatened and that it
has been difficult to secure
a
consensus condemning the use of
current
terrorism.
said the
laws
doctrine
"political
should
be
greater
recent
care
practice
He
said, however, that despite its
combating
shortcomings
terrorism,
nations
up on the law
should not
and that those who support
the
law will ultimately prevail.

offense"
used with

civilized
give

than has been the

inadequate

cases.

found

some

and

He

in

in

in

on

for

the

the

the

Prof.

subject

closing

Naidu discussed his

paper

of

extradition for terrorist acts.

Stating that no criminal should
be allowed to go unpunished, he

of

called

loopholes

of

permit this

extradition which

to happen.

of

the

of

criminality under which

double

no person is extradited

if his

act is not a crime according to

the laws of

the state of

refuge

requesting

state.

He cited as one

rule

loopholes

both

laws

and

the

the
be
Mr.
"Why
exist
should
we
in
against
involved

Falsgraf began with a
as
question:
the
lawyers
fight
international
terrorism?" His answer was that
lawyers
the
rule of law.
that
actions
through
very
terrorists
foundation
-
the rule of law - and that they
lust
be
allowed to succeed.

under no circumstance

their
attack

civilization

to protect

stated

the

He

of

the world jurist 4

Continued on page 6

addresses Conference

Minister of Justice
of Korea
H.F.Chung Haechang

to Minister of Justice Chung

President Rhyne introduces President Singh

World Law Day Celebration

. i-\201niawfe .--

President Rhyne presides at World Law Day

Chairman of Korean Organizing Committee
Doo Hyun Kim and Mrs. Kim

Mr. Huhammad Haleem

Chief Justice

of Pakistan

Delegates arrive for
World Law Day Celebration

Sec. Gen. of WAJ Dr. K.G. Zierlein, Pres. Singh
and Atty Gen. Prof. Dr. Kurt Rebmann

RESOLUTIONS
COMMITTEE

of

both

before

Meeting

daily and

the
spent

working
away from the public spotlight,
members
Resolutions
Committee
hours
many
numerous proposals
considering
submitted
and
during the Conference, weighing
of
carefully the
each
language
and
which would
express the
consensus of the delegates. For
their
diligence, their dedica-
tion,
outstanding
and for the
resolutions offered,
packet of
plaudits
they
and
of
the Conference.

have earned the

appreciation

searching

grateful

merits

best

for

SAN,

able

Under the

of Germany,

leadership
of the Chairman, Dr. Karl-Georg
Zierlein of the
Federal Repub-
the following
lic
of the Reso-
served as members
Bola
lutions Committee: Prince
Ajibola,
Nigeria;
Mr.
Tamizul Haque, Bangladesh;
Dr.
Franklin Hoet Linares, Venezue-
la; Prof. Ved P. Nanda, U.S.A.;
Ryssdal,
The
Norway;
Salter, Esq.,
Dan Winn,
U.S.A.;
U.S.A.; and
Lee Jae Hou,
Republic of Korea.

Leonard
The

Rolv E.

Hon.

Hon.

Mr.

As

by

noted

proposed

elsewhere,

all
resolutions
the
Committee were adopted which is
tribute to
in itself a further
their efforts.
The resolutions
have
a
separate booklet.

published

been

in

(People's
President for

Jianxin
China);

Lucio Ghia
Vice-President,
Henneberry (U.S.A.).

(Italy);

Republic of
Europe,
Executive
M.

Margaret

will continue as President).

The

Center
officers,

these
tinuing, and wishes
success during their terms.

congratulates
new and
con-
them great

Presidents:

Pathak (Chief

Honorary
Mohammed
Bello (Chief Justice, Nigeria);
Muhammad Haleem (Chief Justice,
Pakistan); Yong-Chul Kim (Chief
Justice, Republic of Korea); R.
Justice, In-
S.
dia); Wagdi Abdel Samad
(Chief
Egypt); Chong Jin Wee
Justice,
Singapore);
(Chief
Wolfgang
(President,
Federal
Court,
Federal Republic of Germany).

Justice,
Zeidler

Constitutional

of

the

Hon.

there

India,

President

affiliated

new World

Association

World
The

Additionally

Chief Justice,

of officers for

were
elections
the
Center's
organiza-
tions.

The Hon. Nagendra Singh
of

the
International Court of Justice,
President of

is the new World

the
of
Aleksandar
Judges.

Yugosla-

Firs,

via, is

Vice-

Other officers are:

President.

The Hon.

Silungwe,

Chief

Presi-

dent for Africa; The Hon. Jules

President

Deschenes,

Tan

for the Americas; The Hon.

Hamid

Sri

Bin

Haji

Malaysia,

Omar, Chief Justice,

for Asia;

President

The

Hon.

Rolv E.

Norway,

Ryssdal

President of the European Court

of Human Rights,

President for

Karl-Georg

Europe;

Zierlein,

Republic of

Germany, Secretary-General.

Justice, Zambia,

Federal

Canada ,

Annel

Dato

Dr .

of

M .

A .

SPECIAL THANKS

of

the

and

the

Any

would

Nanda ,

report

contributions

Seoul

be deficient

Conference

of

without special recognition

the

of the Con-

ference Program Chairman, Prof.

Panel

Ved P.

Coordinators, Kenelm L.

Shirk,

Armstrong,

Esq., and Walter P.

Esq.

was

successful

essential

Conference.

operation

Due in large

to their

of

efforts,

the

Conference

smoothly

throughout the entire week.

Their

to

of

measure

work

leadership

flowed

the

the

the

to

In

the

his

found

primary

addition

Resolutions

Co-Chairman

full

Prof.

duties,

time

to

perform

Nanda

time

as a member

invaluable service

Committee

of

and serve as

of a

panel session. Mr. Shirk super-

head-

vised

quarters, responding

instantly

question

to

any

elsewhere.

arising

Mr.

to

provide the able assistance and

counsel that

his

long

the

Center.

have

association

there

Armstrong

Conference

continued

problem

marked

with

the

or

or

NEW OFFICERS\200\2241987-1989

The

have

following

term: Executive
President,

been
chosen as officers for the 1987
Commit-
~1989

tee: World

Charles

Rhyne (U.S.A.); World Vice-
S.

Alphonse Boni (Cote

President,

D'Ivoire);

President for Afri-

Barnard (Liberia);

ca, Toye C.

President

Americas,

Franklin Hoet Linares (Venezue-
la);

Ren

President for

Asia,

the

for

Dr.

The

World

Association

and

Federal

Dieter

Republic

of

Ved

Law Professors chose Prof.

new

P.

Nanda, U.S.A., as its
C.
Chairman
of
Umbach,
new Secretary
Germany, as
There were no changes
General.
in the
leadership of the World
Association of Lawyers (Raul I.
Goco, Philippines, continues as
President)
Asso-
Center Associates
ciation
(Gertrude
U.S.A.,

or the World

Brummund,

its

of

The

Center

is pleased
to
recognize the contributions
of
these leaders and, on behalf of
participants,
all
express
tribute
and sincere appreciation.

well deserved

Conference

the

We cannot

mentioning
and

conclude without
helpful
cooperation
on numerous occasions
time
Center's
Josiah
much

also
assistance
provided
by
friend
Lyman,
indebted and very grateful.

and
to whom we

supporter,

long

are

the

the world jurist 21

INTERNATIONAL

REAL ESTATE

was

Ryan,

chaired

The Panel on

Estate

B.

International

by

Real

Esq., U.S.A.

Helen

Sharing the panel with her were

Republic

Jung-Hoon Lee,

Albert Ley, Cote

of Korea; Mr.

Bailey,

D'Ivoire;

Ray

Esq.,

U.S.A., and Mr.

Raul Goco, the

Philippines.

Esq.,

Mrs.

At the

outset,

Ryan

indicated the panel's intention

to broaden its focus to include

not only the originally planned

topic,

Against

Expropriation,"

but also other

topics

title

acquisition, title registration

and land reform.

"Protection

related

to

As

the

expropriation

in Cote D'Ivoire.

Mr. Ley presented a summary
of the procedures applicable to
of
governmental
land
a
fair market
general rule,
value of the land must be
paid
the "just com-
to the owner as
expropria-
pensation"
tion of
A special
procedure is available for land
sit un-
the owner
granted
used.
is
under
generally
fair
market value.

procedure
the

for the
land.

Compensation

less than

letting

this

his

is

of

the

State

Bailey

the rights

presented

of legislative

in
restrict

of
corporations

a
Mr.
provi-
summary
Iowa

sions
of
which
large busi-
foreigners and
acquire
to
ness
The
agricultural realty there.
is
purpose of this legislation
local
the
family-run
Iowa
legislation also has provisions
designed
to get land back into
the hands of family farmers, at
a
of
foreclosure.

fair price, in the event

protection
farms.

of
The

Mr.

Lee,

presenting
Korean law
tion
priation
more
work

fully
paper),

by foreigners and

of

land.

(a
discussed

presented

in

addition
some highlights
governing

to
of
acquisi-
expro-
subject
in
his
a

it

the

with

court,

summary of the history of title
procedures in his
registration
country.

Present law provides
that unless a title transfer is
registered
appro-
is null and
priate
void
law.

Because of its small land area,
Korean
the
acquisiton of
land by foreign-
ers and discourages acquisition
of land for speculative invest-
ment
purposes by both foreign-
ers and citizens alike.

discourages

matter

law

of

as

a

has

Goco

Aquino

affects

proposed

presented

and non-farmland.

land reform
rights

a

Mr.

of the history of land
summary
reform in the Philippines. Much
land in the Philippines is held
and tilled
by large landowners
Presi-
by poor tenant farmers.

dent
an
program
ambitious
in both
which
farmland
In
constitution-
examining
of expropriation issues,
ality
had and
Filipino
shall
"just
compensation" provisions of the
Constitution
must
compensation)
receive
against
justice"
provisions (social justice must
be sought, e.g., as regards the
tenants' condition).

have to weigh the

just
its

(owners

"social

courts

have

the

a

was

The

session

approved

well-at-

were

tended and many questions

The

posed to the panel membes.

resolution,

panel

subsequently

the

Conference, calling for reason-

able

laws

of real

for foreign

estate

of

rights in

of expropria-

tion.

standards and model

protection

ownership

adopted

and the

cases

by

INTERNATIONAL

ARBITRATION

Bola

Prince

"Arbitration

in Developing
Countries" was the topic chosen
International
for the Panel on
Arbitration.

A.

Ajibola of Nigeria chaired _the
included

panel

U.S.A.;

Ronald

Republic of

Judge Ho-Won Lee,

Korea;

Saario,

and Young Moo Shin,

Finland;

All

Esq.,

Republic of Korea.

which

M.

Greenberg,

Voitto

also

Mr.

panelists

prepared

papers for the conference.

had

work

in

as

as

to

ad

Mr.

the

and

was

Law

Shin

have

well

Judge

choose

Korean

allowed

UNCITRAL

been modified

Mr.

issues

involved

of

Lee gave an overview
of the state of arbitration
in
Korea, outlining how the Korean
Arbitration
being
administered and implemented by
Commercial
the
Arbitration Board.
Saario
distinctions between
discussed
hoc
institutional
arbitration
the
benefits and risks involved
in
talked about
each.
the
the
arbitrators,
appointment
discussing both the methods
of
selection as well as the degree

of impartiality when each side
is
an
Mr. Greenberg told
arbitrator.
Arbitration
how
Rules
and
implemented by a
new organiza-
tion, the Los Angeles Center of
Arbi-
International Commercial
1986.
tration,
established in
He
considered
arbitration's strong advantages
over the
Referring to
courts,
lengthy
often a
he
where
"battle
parties try to wear
each other
out.
concluded
presentations with a
the panel
of various institu-
discussion
tions
been
administer
established
He
international arbitration.
stressed
a
developing
strong
closely
countries
involved in the fashioning
and
control of international
arbi-
tration machinery; particularly
the setting
they should ensure
up
arbitration
institutions, he said.

delays in the
litigation

for
become

Prince Ajibola

survival"

regional

courts.

termed

which

noted

there

need

what

have

that

was

of

of

to

he

to

by

of

the

The

panel

there

attention

comment

period following

tions

continued to

and

audience.

lent

question about

an

response to

whether

may

away the jurisdiction

countries,

and

question

the presenta-

members

hold the interest

large

was an excel-

a

of

In

about

contract

of their
that

award.
question

it was stated

enforcement

discussion

arbitration

following

parties

a

the world jurist 14

Continued on page 16

a

(This

Korea.

offered

comment

were the following:

Among

audience participation.

or questions

opinions

posed

The

media has a great obligation to

use its freedom responsibly and

not to use it to

the detriment

or disadvantage of any nation -

such as has been done worldwide

to

was

Interna-

from

emphasizes

tional

the bad news

not the good

news.

(Much discussion of the

good news - bad news question.)

especially

Television

education in

valuable tool for

developing

and

countries

should be used to

satellite TV

reach

however,

the expense is very great.

non-Korean.)

remote areas -

news always

but

an

is

One

and

come

from

that

asked

civil

might

provide

delegate

answered

what

should be done when elements of
the media mislead the people. A

panelist

while

criminal

specific

some

laws

remedies, the more likely

harm

to an irresponsible news source

would

unfavorable

Another

consumer

delegate

question

whether it was not more danger-

ous

the

irresponsible

power

withhold

newspapers

to

further asked,

that power.

"Who

the

policeman?," saying that sooner

or later people have to make up

their own minds.

reaction.

the

judge

than

governments

going to

police

posed

give

He

to

is

to

be

of
the
The
intense
required
reflects
those who
news
to
viewer is about to read
wrote
information
the
the
proposal
suggestion by
all
debate
most
a
followed
the
media
delegate that
state
should
the reader
expressly that what
or
or
subjective
see
or
views
or
prepared
matter.
selected
strong
The
and strong opposition.
support
but had
Many
panelist
reservations.
considering
said
that,
the
intentional
drawing of a
line between fact
and opinion is sometimes almost
impossible -
not only an
of
event itself but perception

subject
received

deception,

liked

idea

that

One

not

the

event

influences

its

the

His view was that a

coverage.

of view

multiplicity of points

will offer society an opportun-

reach a

ity

sound

thus

providing the

best solution to

the problem.

evaluate

conclusion

and

to

-

the

two

both

media

After

debate,

motions

from

and

These

of

reaffirmed

freedom of

panel

of

were

subsequently
as Conference resolu-
the
the
governmental
called
upon
to strive for
and
information,
will
which
achieving
in
A third motion that
required
notice or
that news publications
influenced
was

adopted
which
accepted
tions.
importance
mass
interference
the media always
accuracy in the projection
dissemination
emphasizing
assist in
the world.
would have
warning
or broadcasts
by
rejected.

subjective

views

peace

were

that

of

FAMILY LAW

the

For

was
on

U.S.A.,

Honorable

"Alternatives

Dispute
the topic for
Resolution"
Law.

Family
the
Panel
Dan
Chaired by
also
Winn,
F.
included
Silva-Ruiz, U.S.A.; Mr. John S.
O'Neill, New Zealand; Mrs. Neva
Talley-Morris, U.S.A.; and
B.
Prof.
Seung-Doo Yang, Republic
of Korea.

the panel
Pedro

Dr.

the

Judge

of the

during

United

child
the

Each member

panel
had prepared a paper which was
summarized
his/her
presentation.
Winn
custody,
discussed
deploring
chaotic
conditions that existed in this
in
field
States
the 1960's when progress
until
began
on
He
noted in the United States what
termed
he
strides" in
minimizing
abduction
problems through the passage of
legislation
0.8.
Hague
agreement
Convention.
noted
the willingness
improvement in

the
also

problem.

"great

child

also

this

and

He

to

courts to give validity

to
other

of
decrees
jurisdictions.

from

in

Mr.

O'Neill

preservation

legislation
stressing the values of
the
and
marriages.
liberalizing
divorce
to
destructive,â\200\235
statutory
permanent
for
wishing to enter into it.

discussed
New Zealand,
family
of
Finding legislation
for
"socially
advocated
of
those

recognition

marriage

grounds

he

be

the

Prof.

discussed

Children

Silva-Ruiz

tragedy of our

a
report

termed

Street

growing

urban

century.

He

recent

international

this

problem and

several

laws in force in Puerto Rico as

examples of initiatives to cope

better

concern

for children.

mentioned

societal

with

on

of

for

She

concept

"Win-Win" approach

Mrs. Talley-Horris spoke on

alternative

terming it

all

urged especially

application in the area of

the

lawyer's

elevates

of

the

dispute resolution,

a

parties.

its

family

belief

professional

upon
clients' disputes.

resolution

expressing

Reaceful

image

that

law,

the

in

Law

Yang

Prof.

Korea:

of family

He pointed

"Divorce
Practice."
characteristics
in his country, noting
was
teachings but
longer customary law.
singled out the
under Korean law.

discussed
and
out the
law
that it
Confucian
this is no
then
issues arising

based

that

on

He

the

The

panel

Extensive

proposed a

panel session was well
comments

attended.
the audience followed the
from
presentations of panel members.
resolu-
The
Conference
which
tion,
urging
subsequently
governments
and
implement programs to cope with
of street
the serious
children
urging
special attention to the family
and the strengthening of family
life and familial ties.

adopted,
to

problem

further

devise

and

the world jurist 13

Continued from page 1

The
a

Demonstration
Conference

a

highlight

again

long
was
described by some as the
ever." It was
pattern
technology.

based
involving

Trial,
tradition,
and
"best
on a fact
genetic

the

From

hosted

opening

Reception,

day's
by
Welcome
His Excellency
Chung Haechang,
Korea's Minister of Justice and
Conference, to
Chairman of the
receptions
hosted
their
fellow countrymen
several
embassies on the final evening,
guests
delegates
social
enjoyed
and
program.
Many
of
available tours of Korea, China
and Japan.

entertainment
also

an outstanding

advantage

for
by

their

took

and

of

number

Following the Conference, a
delegates
they
on Family
most

goodly
traveled
Seminar
attended
too,
Law.
successful event.

to Tokyo
a
It,

where

was a

WORLD LAW DAY

for

long

Following

the World.
proclamation earlier in

tradition,
the first day of the Conference
was
devoted to the celebration
This was the
of World Law Day.
similar
chief
ceremony

In
events all over

a
the
Chun Doo Hwan
year,
had

as
World Peace Through Law Day and
all
called
nations
similar
proclamations.

proclaimed September 6

leaders
issue

President

upon
to

of

The

stately

Charles

chaired

After
and

Palace.
history

by
program,
President
S.
was held at Seoul's an-
Changgyong-
reviewing
of
Center's
its
establishment,
Rhyne introduced the
for
the
Honorable
India,
International

World
Rhyne,
cient and
gang
the
world Law Day and the
role
President
principal
occasion,
Singh
Nagendra
President of the
Court of Justice.

purposes

speaker

the

of

in

In

an

as

to

lex

eloquent

struggle

peace is

will

peace, said: "I have

instrumentality of law

Singh, after

long

address,

noting

President

for

mankind's

no

world

objective of

doubt that if the

be

international

be through

achieved,

it

by

the

He

crowning

rex."

the

praised highly the work of

Center, past

present, and

its leaders and urged continued

and

support

organizations

the

President

promotion of peace.

Singh

and

appreciative

that it

is the duty of every citizen to

objective of peace

promote the

and

a

to participate

great privilege

in

to

such a laudable cause.

institutions

to

Conference dedicated

told his responsive

he considered

audience

pledged

that

and

for

it

a

of

and

His

Korea's

Chairman

Excellency

Conference,

Chung

Minister of

Haechang,

the

Justice

spoke next.

Seoul

invited

After brief remarks he

reception in the

everyone to a

Nothing

gardens of the Palace.

music,

was

-

flowers,

decorations, costumes

and wonderful food - to make it

a

memorable

occasion.

delightful,

overlooked

most

OPENING CEREMONY

to

The

order

Center

Convention

of
the Seoul Hilton
International
(Headquarters Hotel) was packed
when President Rhyne called the
session
on Monday,
September 7, marking the formal
Conference.
opening
Justices from
Judges and Chief
all
wearing
entered as
their formal robes,
a body and sat together
during
the ceremony.

world,

over

the

the

of

the

His

Chun

Excellency

Conference,

Doo
Hwan, President of the Republic
Chairman
of Korea and Honorary
delivered
of
the Inaugural
In his
he welcomed
opening
guests,
delegates
paying
Center
and conference participants for
"your
for
peace."

their
to the

endeavor

Address.

remarks,

tribute

noble

and

of

of

law

power

domestic

military

situation,

Chief

his

Executive
concern that

or
terrorism.
as
prevention

ex-
The
the
pressed
by
human family is intimidated
the violent tendency to attempt
by the use
to resolve disputes
the
of
"In
instruments of
this
an
and
instrument
resolution
and
international conflicts becomes
in an increasing degree, a dire
President
necessity," he said.
Chun
for
community to
the international
be
it
must
be
"governed by rules and a common
notion that the
rule of law is
always preferable to violence."
He urged that
"Peace, justice,
greater respect for law in
and

the international
arena should
constitute our common appeal to
all our contemporaries."

peaceful and civilized,
to

noted that, in order

permit

itself

a

to

the

for

need

focus

there

major

Global

Effort

Without

to replace

humanity."

ever-growing

as the controlling

President Charles S.

Rhyne

address

delivered

To

entitled "A

War."

Create A World

stating that those

He began by

Conference

assembled

their

were

of

attention and the attention

everywhere upon the

all people

the

"crucial

the rule of

rule of force with

factor

law

in the fate of

He

alluded to "the ever-increasing
contributions to world peace by
an
law
that "Our law
system,"
peace
become
more
as an
acceptable and
credible
as
alternative
the
for
differences."
transnational
Such a plan, he
said, requires
"world-wide
to
even-stronger
create
he
world-wide
voiced
such
He
cooperation was
called
the
law
"humankind's
admired
concept, the
only concept with
a proven record of success."

law system" and
belief

growing.
of

noting
has

cooperation

rule
most

dispute

method

to war

deaths

world

plan

best

that

the

an

Hr.

Rhyne

observed

the

outset

from
realized
world
principles and institutions

and accepted

community

under

it

that
had been
a
the
of

that

the world jurist 2

Cont. p 4

MMKWCH1

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;

T

â\200\230

>

Opening Ceremony
Chief Justice
Kim Yong Chul,
Min. of Justice
Chung Haechang

Delegates

Min. of Justice
Chung Haechang
addresses

Opening Ceremony

William W. Falsgraf onlll! |â\200\234â\200\230IMAâ\200\234N

Pre-Session Conf.
1-: Dr. zierlein,

Prof. Dr. Rebmann,

panel audience

Attentive

Another View

Terrorism Panel

President Rhyme
addresses
Delegates

,

Audience at
Opening Ceremony

Terrorism Panel

Ã©â\200\234?

NF

Cbncentration

A1 /).1

\\

to

its

One

harm

trial

delegate

observed

for
laws

or
beings

against
where

Following the discussion by
panel members, there was active
participation by members of the
noted
audience.

that his country had a
statute

an
authorizing
offense
no
committed.

matter

Another

that
terrorists harm human beings in
intimidate
order

other human

and

that,
under no circumstances, can the
world permit those who practice
terrorism

One
to
prevail.

to a
member likened
terrorism

that
disease
some
eliminated
diseases have
by

cooperation.
He called for
such cooperation
in imposing a mandate system on
nations

or
terrorism.

refuse

There was also
appeal from

the
an
for
floor
acceptable
internationally
terrorism,
definition
of
the
speaker urging
that the United
Nations be called upon to adopt
such a definition.

international

to wipe out

noted
been

practice

which

and

an

later

resolu-
The panel proposed
by
the
tions,
adopted
Conference, denouncing
terror-
ism, urging world-wide measures
to suppress such activities and
apprehend
and
specific steps to
recommending
be taken to promote
the safety
of international aviation.

perpetrators,

ENERGY

was
on

Energy.
Hoet Linares

"The Impact of Multilateral
the topic for
Agreements"
Dr.
the
Panel
of
Franklin
panel.
Venezuela
Soung-Soo

Other
Kim,
Korea;
Daniel J. Monaco, Esq., U.S.A.;
and
Esq.,
U.S.A.

Esq., Republic of

chaired

members

Harold

Riach,

were

the

J.

oil

gave

Hoet Linares

of recent
industry

a
Dr.
history
in
summary
the
noting that
competition for markets had led
to reduced
prices with adverse
consequences throughout much of

He

and

spoke

companies went out

meet debt payments and

particu-
the world.
larly
of South America where
several countries were not able
to
the
wells were
United States where
of
closed,
business
failed
resulting in severely depressed
many of
conditions

Mr.
the
Kim gave
his
multilateral
paper
agreements
an
included
analysis of the "ROK Agreement"
of 1970.

oil-producing areas.

throughout

synopsis

which

banks

a
on

of

the

the

the

of
a

room for

agreements

protection.

improvement

establishment,

The panel found

later accepted by

concern in the history

much cause
of
for
and
multilateral
in
much
implementation, particu-
their
environ-
with regard to
larly
In a reso-
mental
the
lution,
Conference,
panel renewed
the call of earlier resolutions

under
for
Charter
the
United
specialized
Nations,
of
international
organization for
energy policy.
all
effective
nations
which would
energy
promote the cause of peace
and
account inequalities
take into
developed and develop-
between
ing countries
equi-
table access to energy sources.
The
voiced
strong
Vene-
zuelan Chapter of the Center in
International
hosting
in Caracas
Energy Law Congress
in March
upon

It
reach

resolution

agreements

regarding

calling

support

for the

urged

1988,

also

the

to

The

theme

panel

matters

the

interception

was
"Emerging Issues in Air Law."
Among
discussed
were
civil
and other
aircraft,
problems
air
associated with
international
aviation liability.

hijacking
and

crimes,

of

of

and

panel

actions

establishment

In a resolution proposed by
subsequently
by the Conference, the
were
a
International Criminal
Draft
Integrated
International
and a new
refrain
in
the
of interception of civil

the
adopted
following
proposed:
special
Court
Convention
System
Aviation
Draft
from
event
aircraft.

to
weapons

air crimes; a

Convention

Liability;

use

on

of

on

an

of

HUMAN RIGHTS

Co-chaired

The Panel on Human

Rights

met before a large audience

to

discuss "Minority, Refugees and
Extradition."

by

H.E. Young-Suk Han, Republic of
Korea, and Alan J.

Konigsberg,

Esq., U.S.A., the following al-

as

so

Mr.

panelists:

Bangladesh; Mr.

Tamizul Haque,

of

Yong-Kook

Esq.,

Korea;

U.S.A.;

Hon.

A.

Sedfrey

Ordonez, Secretary

of Justice,

Philippines; and Prof. Rajendra

Nayak, India.

Republic

served

Limb,

Cho,

Ben

the

Q.

to

delegates

promote the Caracas

in their respective states.

publicize

and

conference

AVIATION

The

Panel

Aviation

was

Ricardo Puno of
chaired by Mr.

Fellow panel-
the Philippines.

Wan-Sik Choi,
ists

were Prof.

Rosaura

Republic of Korea; Ms.

Dean

Fleitas,

Doo-Hwan

of

Korea, all of whom had prepared
work

they

summarized.

Argentina;

Republic

papers

which

Kim,

and

made

to be

papers

prepared

residents

Conference,

recognized

of the panel, most

After introductory

both

co-chairmen,

remarks

other

by

of

members

for

whom had

their

the

presentations.

Prosecutor Cho

discussed his paper calling for
in Japan and
Korean
Sakhalin
as
national minorities.

Secretary
Ordonez summarized recent years
in
of
the Philippines.

Nayak
international right
called the
emerging
to
Mr.

human rights
Limb
associated
discussed
with
the
difficulties
in
establishing it, and proposals

constitutional

nationality,

development

problems

history

Prof.

have

some

law.

an

the world jurist 6

Continued on page 8

'1'
)â\200\235â\200\234 (- 1", :â\200\235

. " ' ~ " â\200\230

w

|â\200\230--s' !-;a1-
;"4'K)1/{(.

1', "\

l'li'.

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1â\200\230,

v.

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}

:~â\200\230/

I

V.

.

.~â\200\230l.xâ\200\231\" \iiH".

â\200\230l L((â\200\230Ilâ\200\231lâ\200\231i-â\200\230J/(v/â\200\231zy

5

5' h(â\200\230 30036

Seoul World Conference â\200\234An Outstanding Successâ\200\235

of

and

the

the

Starting

beginning

their guests had the opportunity to

with the celebration of World Law Day which

on. Sunday,

marked

hear

delegates

many distinguished speakers who are leaders in government

and the world legal community.

Each of them stressed the

necessity of cooperation among nations and peoples of the

world

to

achieve and maintain world peace.

to the rule of

Conference

adherence

means

and

law

as

Panel

sessions

were held daily on timely topics

international interest and concern.

resolutions

Committee and,

Conference at the Closing Plenary Session.

consideration

committee

following

for

by

of

Most panels adopted

Resolutions

action, by the full

the

Mock Trial - Court and Counsel

addresses Delegates

of

of

the

With

World

Glowing

history.

Delegates

The Thirteenth Conference on

is now a

the Law of

part

the

theme, "The Contributions of Law
to
World Peace," the Conference
met in Seoul, Republic of Korea,
September 6-11, 1987.
reports

the
every
Conference have come from
quarter.
frequently
during debate or in the delivery
of official reports
interjected
comments of appreciation for the
hospitality of our hosts and the
warmth
people.
time
Veterans
common
attendants
voice
in
their
conclusion that, by any measure,
this meeting
was an outstanding
success.

the
and
first
spoke with a
expressing

Korean

of

As

in earlier

in

and

Court

attendance

leaders and

were
many of the world's

Conferences,
at
there
most
Seoul
distinguished
prominent
jurists,
scholars.

Included were Chief Justices and
other
High
Justices,

Justice, Attorneys
Ministers of
General
other
dignitaries.

President, International court of Justice Nagendra Singh and President Rhyme
the world jurist 1
many
and

Continued from page 6

abolish

to
confer
citizenship"

instead

nationality

and
"transnational
persons.

all

on

a

of

the

and

from

with

Among

Lively

followed

discussed

the problem

issues
were

of Afghan refugees

gain
possible
in

spirited
panel
exchanges
active
presentations
the
participation
or
audience.
the
questions
in
problem
of the unborn
Pakistan, rights
people
child,
nationality
unable to
of

and
the
cases
secession
for
where
reasonable
realization
a
goals.
citizenship was
transnational
expressed
two
delegates, one of whom proposed
instead the elimination of visa
requirements.
Another proposed
that refugees who have lived in
another land for a long time be
given
to
become citizens.

Strong opposition to

no 'hope

absolute

extreme

right

right

there

least

an

of

by

at

is

A

in

they

large

Korea.

audience

panelists had

Min discussed

was
present throughout the session.
Several
written
summarized.

papers which
Mr.
technology
economic develop-
transfer and
Mme. Tchang-
ment
Benoit told of
recent develop-
pro-
ments
Mr.
tection
his
Surachman
country's
laws.
Piracy
of
intellectual property rights in
Korea
Mr.
And Mr. Kim
Park's discussion.
on
spoke
computer
programs.

in France for the

the subject of

protection

copyright

protecting

software.

about

spoke

was

and

of

the

from

followed

Participation

floor
presentations,
discussions which continued
hold
the
audience.
agreed
greater
universally in
of
had been

the
panel
generating
to
the
generally
now
almost
protection
than
recent

was
there
interest

intellectual property

attention
It

that

case

the

the

of

is

in

The

panel

support for the work

recommended
adoption of a resolution, later
accepted
by
Conference,
the
alia, praised and
which, inter
urged
of
the U.N.
High Commissioner for
Refugees, urged ratification of
for
the 1951 U.N.
Convention
the protection of refugees
and
condemns
its
state
forces
refugees,
people
condemns
detention
and calls for
without charges,

freedom
equal
protection of the laws for all.

conduct
to

of religion and

arrest and

protocol,

become

which

1967

LAW AND TECHNOLOGY

Stephen

Property

Chairman.

"Intellectual

-

was the
Piracy And Protection"
topic for the Panel on Law And
Technology.

J.
Skelly, O.O., of Canada served
panel
as

Kim,
members were Dennis H.J.

Park,
Esq., U.S.A.;

Kyung-Jae

Esq.,

Hr.

R.M. Surachman, Indonesia; Mme.

Tchang-Benoit,

Christiane

France;

Kook Min,

Esq., Republic of Korea.

Republic of

Byoung

Korea;

Other

and

times.

at

The

panel

noting

absence

recognized

developments

the
techno-
desirability of making
universally
logy
available
the same
time that this was not possible
protection
in the
for
financial
investment. It proposed a reso-
Conference
lution,
subsequently
urging
effective
all
measures
such
protection.

states to

creative

adopted,

provide

of
and

which

take

the

to

FOREIGN TRADE

AND INVESTMENTS

on

Trade

Serving

Foreign

as Chairman of the
Panel
and
Investments was Houngh-Han Kin,
Other
Esq., Republic of Korea.
panel
J.

Lee-Sik
Graham, Esq.,
Chai, Esq., Republic of
Korea;
Esq., Republic of
Tae-Hee Lee,
Korea;
Poff,
Esq., U.S.A.

and William B.

members

U.S.A.;

were:

John

Mr.

Graham

the
current problem of Trading With
countries
The

outlined

wherein

Enemy

the

the

country.

security

export of

allow
goods which are converted
dual military use often at
risk of
of
exporting
discussed the technological
well as social reasons for
lag
commercial
diplomatic
trade.

consumer
to a
the
the
also
as
the
swift
the
such

conversion and
detection

between

the

He

of

of

Mr.

Mr.

the

Chai

trade

Korea,

rapidly

illustrations of

gave an overview
expanding

of

foreign

the

world's twelfth largest trading
nation.

Lee provided some

the

detailed

con-

developing law

cerning

of

noting

business

key

governing

Investment oppor-

legislation.

tunities

available

safety features were explained.

the corporate form
organization,

provisions

as well as

in Korea

of

He

Mr.

the

Poff

cities.

special

world's

He said

discussed

expansion

development

it has grown to be a

international
noted

the
Program, finding
Sister Cities
big
that
trade
factor in
that
promotion.
cities
19,000 of
now connected internation-
are
contacts
ally through
the
between
and
dramatic
this
continuing
very
program
to
significant
be made
world trade
and
through
the members
cooperation
business
of
also summarized
community.

a
Court
decision on the extent to which
foreign
doing
business in
United States
may be subject to 0.8. Rules of
Discovery in litigation.

the world's small

individual effort

contribution

illustrates

companies

He
0.8.

of
the

Supreme

recent

among

that

can

the

later

panel

agreed

Presentations,

discussions
questions and comments held the
attention of the large audience
session.

throughout the

upon

Recommendations

the

were

by

Conference in a resolution.

It

noted

of

interdependence

the

developed

developing

greater

countries

cooperation

the

benefits of world trade without

one another's effort;

impeding

adopted

sharing

urged

and

and

in

the worldxjurist 8

Continued on page 10

PLENARY SESSION

TOKYO SEMINAR ON FAMILY LAW

delegates

journeyed

After the Seoul Conference,
many
to
Tokyo where they joined a large
number of Japanese
lawyers for
On
a
Sunday
a
sight-seeing tour of Tokyo.

Seminar on Family

delegates

enjoyed

Law.

of

Court

Judge

Abe spoke about

the
Family
Japan which
began its operation in 1949. It
has
over
juvenile
as
family affairs,
handling about
400,000 cases a year.

jurisdiction

matters

broad

well

as

of

of

of

for

the

Theme

Court

Chief

Justice

remarks,

Somerville

"Settlement

of
Japan.

A.
Chairwoman

Delegates
the
Hon.
President
Bar Association

Seminar,
which opened on Monday morning,
Family
was
were
Disputes."

Ekizo
welcomed
by
Fujibayashi,
of the

a
Japan
and
the
former
Supreme
In
Professor
following
of

Margaret
Canada,
the
pursuit
Seminar, noted that in

at
the macro
of world
peace
not
level
we
overlook
must
need for peace
mankind's great
at
well.

The next speaker, the Hon. Aiko
Noda,
the

a
Sapporo
summary of the Japanese
Family
Courts and her experiences as a
former Family Court Judge.

She
observed that in addition to an
increase
of
has also seen
divorces,
over
an
child
also
discussed the growing number of
international marriages involv-
ing
a
threefold increase
in the last
20 years.

increase in
custody.

family level as

Judge
Court,

Chief
High

in
Japan

citizens -

Japanese

contests

number

gave

She

the

the

of

in

Divorce by mutual agreement
and
its
in
A court judgment

is
possible
approximately
divorces
are
this manner.
is not required.

accomplished

Japan
of

90%

He

and

Court

judges

discussed

Judge

Abe

qualifications

duties

Family

personnel.

a

recent

Supreme Court

appeared

to

circumstances

divorce might be granted.

the

of

and

also summarized

the

Japan which

the

a

of

liberalize

under

decision

which

of

to

has

this

make

noting

Mrs. Talley-Morris spoke of

Alternative

the need

Resolution a matter of

Dispute

priority,

the

greater

attention

received

from the Senior Division of the

American Bar Association.

She

of non-profes-
sionals urged wider use
and called upon
family lawyers
use less adversary proceed-
ings,
a
settlements
all
winning
parties.
the
Family
advanced state
Court system in Japan.

environment

in dispute

observing

praised

create

often

She

the

for

of

the

panel

Somerville presided

Prof.

over all

sessions.

Work papers prepared by members

published

of each

and

to

the

delegates and served as a basis

for much of the discussion.

distributed

panel

were

"Conciliation

were Masahiko

Co-chairing the first panel

and

Takeda,

Talley-Horris,

panelists
Yoshito Abe and Mr.

session,
Trial,"
Japan, and Neva
Esq.,
were Judge
Kazunori Kikuchi of Japan.

U.S.A.

Other

in

Mr.

and

and

their

spoke

Kikuchi

Officers

of the
Probation
the
Family Court - their selection,
difficult
extensive
training,
duties.
Because of the highly emotional
state in which
coming
find
before
themselves,
of
is often dependent
proceedings
diligence,
upon
understanding
of
and
these specialists.

the Court usually

outcome

parties

skills

the

the

The Closing Plenary Session
morning
of panel
consider
the

was convened on Friday
to hear
and
rapporteurs
resolutions
reported
Resolutions Committee.

reports

the

by

to

adoption

were
These

All resolutions recommended
approved
for
included
unanimously.
three
"The Seoul Declaration,"
resolutions
thanks
to Seoul, the Korean Organizing
Center's
Committee
Chairman
Kim Doo
Hyun, and eighteen others based
largely
recommendations
from the panel sessions.

the
Korea,

expressing

upon

and

for

MESSAGES FROM
HEADS OF STATE

has

The

Center

received
Messages to the Conference from
Among
many
them
the
following countries:

Heads
are

messages

State.

from

of

Korea
Australia
Burkina Faso
Canada
Chile
Denmark
Fiji
Germany (West)
Grenada
India
Ireland
Jordan
Liberia
Morocco
Norway
Portugal
Seychelles
Suriname
Trinidad & Tobago
Tonga
Turkey
Western Samoa

Argentina
Brazil
Cameroon
Cape Verde
Cote D'Ivoire
Egypt
Finland
Greece
Haiti
Indonesia
Italy
Kuwait
Malta
New Zealand
Pakistan
Qatar
South Africa
Switzerland

Vatican City
Yemen (North)

Copies of the messages will
of
Center
and affiliate members,
and thousands

be distributed to the Heads
State of
members
Seoul delegates,
of other World leaders.

nations,

all

the world jurist 22

