

The Archives of the International Law Association

Abstract: This paper by Ruth Frenco, which is based on her presentation given at the training day on ‘Socio-Legal Sources and Methods in International Law’ which was held at IALS on 25 November 2016, provides an overview of the history and development of the International Law Association and gives an account of the archives of the organisation that are held at the Institute of Advanced Legal Studies in London.

Keywords: public international law; archives

The International Law Association (ILA) is one of the oldest continuing organisations dedicated, in its own words, to ‘the study, clarification and development of international law, both public and private, and the furtherance of international understanding and respect for international law’. Its archives, held at the Institute of Advanced Legal Studies, contain records dating back from its early years, right up to the current century. These records provide a valuable insight into the history of the organisation, and some of the remarkable people who dedicated themselves to it. They also offer fascinating glimpses into changing concepts of nationhood, human rights, and international relations, over decades which saw two World Wars, a Cold War, and, with the dismantling of traditional colonial structures, the emergence of new and shifting centres of economic and political power.

The ILA was founded in Brussels in 1873. It was initially called the Association for the Reform and Codification of the Law of Nations, switching to the snappier title of the International Law Association in 1895. By its own formulation, it was an association ‘to consist of Jurists, Economists, Legislators, Politicians and others taking an interest in the question of the reform and Codification of Public and Private International Law, the Settlement of Disputes by Arbitration, and the assimilation of the laws, practice and procedure of the Nations in reference to such laws’¹. The timing was significant; the second half of the nineteenth century reeled through the birth and rise of competitive, aggressive nation-states, and the development of modern, technologically based mass societies. These were decades which witnessed the Crimean War, one of the first conflicts to fully utilise modern technologies: not just in weaponry, where increases in accuracy, range and fire-power introduced unprecedented numbers and kinds of injuries; but also in logistics, with use of the railways; and, with the telegraph, in communications, both military and crucially, journalistic. With the birth of war reporting, news of battlefield conditions began to permeate civilian homes half a world

away, giving rise to a new sense of interconnectedness – and accountability – in public discourse.

The popular will for reform was growing across Europe, and intensified with the publication, in 1862, of Henri Dunant’s ‘A Memory of Solferino’, based on his observations of the suffering of wounded soldiers left on the battlefield in 1859. The book was hugely influential and its impact contributed significantly to the formation, in 1863, of the Red Cross, with Dunant as a founding member. By 1864 the Geneva Convention was approved, defining ‘the basis on which rest the rules of international law for the protection of the victims of armed conflicts’².

The ILA emerged, then, in the context of a new spirit of international collaboration, which saw politicians, experts and ordinary people recognising the necessity of understanding and working with their neighbours in the pursuit of a common good. Archival holdings at the Institute of Advanced Legal Studies reflect this, in items such as three letters from Henry Dunant, probably to Henry Diedrich Jencken, regarding the formation of the Association for the Reform and Codification of the International Law³ and tracts on the legal impact of the radical new technology of telegraphy⁴.

The ILA archival material is arranged to reflect both the administrative structure of the organisation and its primary organs of operation. Key to the formation of the ILA was a longer tradition of pacifism in the United States, influenced largely by historic peace movements such as the Society of Friends (Quakers), which shaped the development, in the nineteenth century, of popular peace movements such as the New York Peace Society and the Massachusetts Peace Society. As Fritz Münch notes in his comparison of the ILA with its sister organisation the Institut de Droit International (also founded in 1873), as early as 1840, American anti-war activist William Ladd proposed the idea of creating an assembly to codify international law. This idea was expounded upon in some detail by Elihu Burritt at the International Congress of the Friends of Peace in Frankfurt in 1850.⁵ This Anglo-American strain perhaps accounts for the

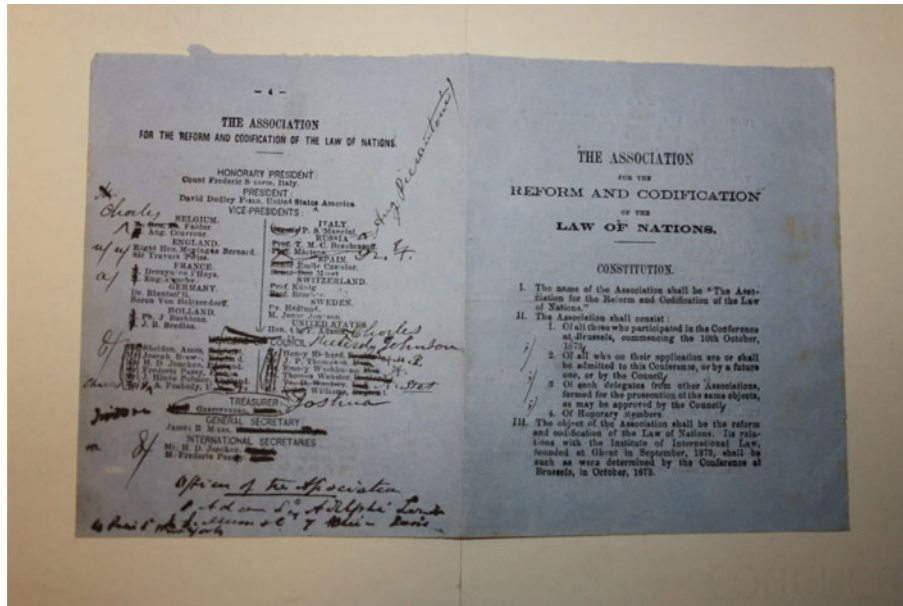


Figure 1. Constitution of the Association for the Reform and Codification of the Law of Nations, ILA/1/1/5.

ILA’s traditional aim for diversity in its membership, with international politicians, businessmen and subject experts welcomed alongside lawyers.⁶

Thus, while the ILA’s activities are organised by an Executive Council, assisted by the Headquarters Secretariat in London, the ILA’s objectives are pursued primarily through the work of its international committees and study groups, panels of theoretical and practical experts selected to explore different aspects of international law. The focal point of its activities is the series of annual or biennial conferences, held in different locations each year. Regional branches are crucial to the continuation of the Association’s work. The ILA has

consultative status, as an international non-governmental organisation, with a number of the United Nations specialised agencies.

The records of the Executive Council include all of the traditional administrative material one would expect to find in such a collection: minutes, membership documents, financial papers, etc. As with similar collections in other archives, it’s easy to overlook the significance of these apparently mundane documents, but the contextual information contained in, for example, a petty cash ledger, is an invaluable historical resource. And sometimes their interest is even more explicit: it is in the minutes of a finance committee meeting in May 1936⁷ that the issue of how to

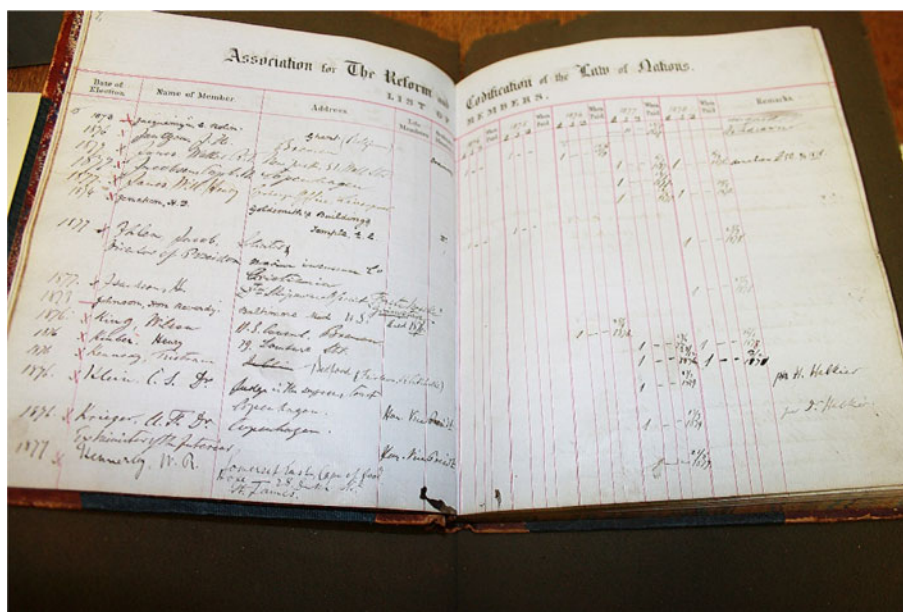


Figure 2. List of members of the Association for the Reform and Codification of the Law of Nations, 1874–1878 ILA/1/2/1.

Copies of all Returns should be kept by Branches for future reference. For Calendar Year 1939

THE INTERNATIONAL LAW ASSOCIATION

ANNUAL RETURN OF MEMBERS of the Danzig BRANCH

Located at Danzig, Free City of Dan.

INCLUDING REPORT OF PAYMENT TO THE FUNDS OF THE EXECUTIVE COMMITTEE AT HEADQUARTERS,
UP TO THE 31ST DAY OF DECEMBER 1939
at which date
THE TOTAL MEMBERSHIP OF THE BRANCH WAS 11

FEES PAID BY THE BRANCH TO HEADQUARTERS FOR THE YEAR. £ 5.5.-

All fees to be remitted in English currency by draft or cheque on London payable to: "International Law Association" and crossed Messrs. Glyn, Mills & Co.

This Return should be signed by the President and Secretary of the Branch and forwarded to: The International Law Association, No. 2 King's Bench Walk, Temple London, E.C.4, England, AS EARLY AS POSSIBLE IN THE NEW YEAR.

SURNAME	CHRISTIAN NAMES & Description	PROFESSION	ADDRESS	ANNUAL FEE 1939		FEES FOR OTHER YEARS (entered in separate column)
				Received by Branch	Remitted to I.L.A.	
1 Blume	Dr. Herbert	Oberprokurator	Danzig, Seugarten 12/16		12 6	
2 Butteber	Dr. Viktor	Staatsrat	" " "		12 6	
3 Born	Walter	Bankdirektor	Danzig-Langfuhr, Wallchenstrasse 4		12 6	
4 Euler	Dr. Wilhelm	Landgerichtsdirektor	Danzig, Seugarten 30/34	12 6		
5 Kettlitz	Richard	Senatsrat	Danzig, Seugarten 12/16		12 6	
6 Runge	Dr. Georg	Landgerichtsdirektor	Danzig, Seugarten 30/34		12 6	
7 Schaefer	Dr. Carl	Präsident der Danziger Anwaltskammer	Danzig, Karrenwall 10		12 6	
8 Schless	Dr. Hermann	Rechtsanwalt	Danzig, Reithahn 2		12 6	
9 Siegmund	Harry	Regierungsrat	Danzig, Seugarten 12/16		12 6	
10 Thiemann	Richard	Bankdirektor	Danzig, Langgasse 32/34		12 6	
11 Wohler	Walter	Gerichtspräsident	Danzig, Seugarten 30/34		12 6	
				Carried forward	12 6	6 5 -

SIGNATURE OF PRESIDENT OF BRANCH: *Walter Wohler* ADDRESS: Danzig, Seugarten 30/34

SIGNATURE OF SECRETARY OF BRANCH: *Arthur Siegmund* ADDRESS: Danzig, Seugarten 12/16

DATE: January, 2nd 1939

Do not write on back of this sheet. Further sheets can be obtained from the Secretary.

Figure 3. Annual Return of Members of the Danzig Branch, ILA/4/14.

respond to a circular from the ILA's German branch, on its expulsion of non-Aryan members, is most fully discussed.

The Executive Council archives also hold the administrative papers and correspondence of various officers of the ILA, including Lord Slynne of Hadley and Cecil J Olmstead. Among the more unusual collections are the papers of Francis Temple Grey⁸, who besides his work in international law was an eminent surgeon. Included in his archive are papers from his work on the 1918 Australian Navy's Samoa Relief Expedition. Alongside medical notes are notes on army routine and orders, supplies and requisitions, and offences committed by crew members, giving an extraordinary insight into daily life in the navy at this time.

An archival series is devoted to the ILA conference, which functions as a platform for ongoing study and research, and also strengthens the organisation's international focus by regular changes of location. Although the conferences have been predominantly held in Europe or the United States, their range has steadily widened, to include Buenos Aires (1922 and 1968), New Delhi (1974/75), Manila (1978), and Seoul (1986). In each of the host countries, the staging of the conference has a particular significance, in terms of strengthening awareness for, and

support of, international law in that country, and raising the profile of its national contributions to the field. The archival papers generally document the process of organising the conference, addressing a different set of concerns in each case. They contain the reports presented at each conference, along with records of attendance; and they often contain ephemera such as programmes and promotional material which offer an intriguing glimpse into the day-to-day visual culture of different societies at different moments in time.

The archives of the International Committees contain a wealth of material, including administrative correspondence chronicling how and when the Committee was established, draft papers, secondary reference material, and correspondence with partner organisations. It is not surprising, for instance, that the records of the Treatment of Prisoners of War Committee, one of the first Committees, contain a large amount of early Red Cross material⁹. They also hold some truly unique material, including a notebook, partially labelled 'L to Z camps', containing hand-written notes on conditions in German camps, 1914–1916.¹⁰ Although, as is often the case in archives, the origins of the item are unclear, in the back of the notebook are pasted press clippings covering the reports made by James Watson Gerard, then United

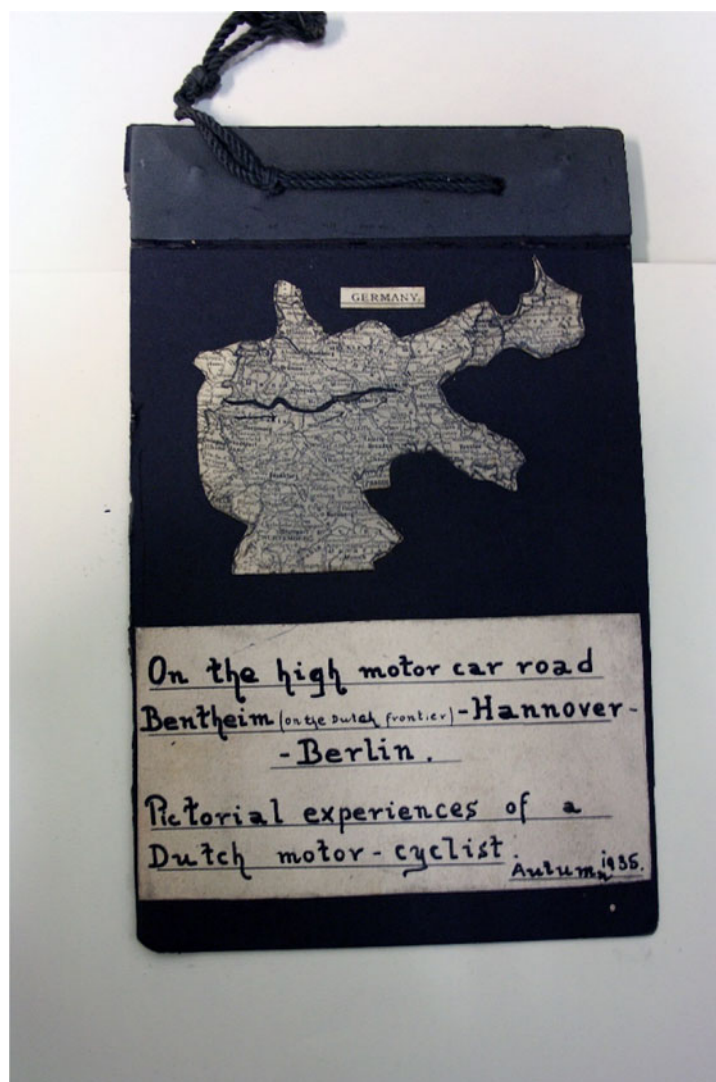


Figure 4. ILA/6/12.

States Ambassador in Berlin, on prisoner of war camps in Germany, suggesting that the notes may have been made by Gerard himself, or at least as part of his project.

The significance of regional branches to the ILA has already been pointed out and the archives hold records of many of these branches. Although in some cases these amount to little more than membership lists or subscription returns, one of the points of interest in this collection, from an archival point of view, is what it reveals about ideas of nationhood and how these relate to membership of international organisations and participation in debates of international law. For example, it's surely significant that the collection includes membership records of the Free City of Danzig¹¹, a semi-autonomous city-state that existed between 1920 and 1939, and apparently attached considerable importance, even during such a brief lifespan, to this form of self-declaration. There is also a fascinating discussion in the years 1966–1968 about the formation of a branch of the International Law Association in the German Democratic Republic¹².

Although initially counter to the policy of ILA headquarters, who advised GDR members to join the existing German branch, a separate branch was eventually formed at those members' insistence that a West German branch could never adequately represent them.

The archives also hold the records of the Grotius Society, a British society founded in 1915 to carry on the work of the International Law Association, whose operations had been suspended during the First World War. It was originally called the Laws of War Committee, but changed its name in July 1915. Its objects were declared as being 'to afford facilities for discussion of the Laws of War and Peace, and for interchange of opinions regarding their operation, and to make suggestions for their reform, and generally to advance the study of international law'.¹³ Its membership was originally restricted to British subjects, although membership nominations suggest that by 1920 this was no longer the case. In 1958, the Grotius Society was dissolved on the merger with the Society of Comparative Legislation and International Law, founded in

1895, to form the British Institute of International and Comparative Law. Because of the strong, historical, personal and geographical links between the Grotius Society and the ILA, with many key figures holding office in both and ILA headquarters at one stage sharing accommodation with the Grotius Society, many of these early records have been retained in the care of the ILA.

Finally, the 'Library' series of the archive contains publications and press-clippings collected by members of the International Law Association and made available to their fellow members for consultation. When these arrived at IALS, they had already been grouped according to political or geographical 'themes'. Although it's not clear when this arrangement was originally imposed, it was decided to retain these groupings in the archival arrangement.

In archival terms, this is an artificial collection, in other words, not an 'organic' accumulation of records created over the course of an organisation's transactions, as the other records are, but a collection intentionally put together for its informational value. When we keep artificial collections in archives, it is because of the insight they afford us into an organisation or individual's creative process and into the context which informed them. Here, the significance of this series lies in what it tells us about the interests and priorities of ILA members at various points in history, and in what literature was widely circulated at the time. Propaganda comes from both sides, most notably in the collection of material concerning the Spanish Civil War¹⁴. We have also inherited a few more

personal items, for which we have no clear provenance. Most striking among these, to my mind, is a hand-made album titled 'On the high motor car road Bentheim (on the Dutch frontier) – Hannover – Berlin. Pictorial experiences of a Dutch motor-cyclist. Autumn 1935.'¹⁵

This notebook consists of black pages, in each of which is pasted a photograph of anti-Semitic posters and signage. Some photographs just contain the notices, dominating empty landscapes, replacing the expected road sign or 'welcome' notice at the entrance to a village. Some include human figures, faces turned away or scratched out. In one image, hoarding directing Jews to leave adorns the base of a pillar decked with adverts for Persil. Throughout the book, no other commentary is offered.

We have no way of knowing who the Dutch motor-cyclist was, or how their album came into the ILA's possession. But the album's survival in the ILA archives sums up the full potential of an archive collection: to preserve, and make accessible to future generations, a testament of its times.

The ILA archive can be consulted at the Institute of Advanced Legal Studies. Access is by advance appointment only (email: ials@sas.ac.uk or telephone 020 7862 5790). The catalogue for this collection is available on the IALS website at:

<http://ials.sas.ac.uk/library/archives>,

or via the University of London catalogue at:

<http://archives.ulrls.lon.ac.uk/>

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Footnotes

¹ As cited in minutes of the afternoon sitting of the first conference of members, 19 November 1873: reference ILA/1/1

² Pictet (1951), p. 462.

³ ILA/1/7/1.

⁴ ILA/6/15.

⁵ Münch (1973), p. 23.

⁶ Olmstead (1973) p. 4: 'While the centre of gravity of its membership is the lawyer trained and experienced in international law, the association includes within its ranks scholars in the field of political science and government, businessmen, bankers and ship-owners. These various bases of membership, united by an interest in international law and its development, bring rich and multifaceted worlds of experience to the work of the Association. The ranks of the law – the judiciary, legal education, the practising bar, international organizations and governments – are all amply and ably represented in the International Law Association ... And the wide geographic areas from which the membership is drawn contributes another valuable asset to the Association: these areas comprehend industrial and developing countries and countries with varying types of governmental and social organization.' Münch identifies this breadth of membership as a key difference between the ILA and the Institut de Droit International.

⁷ ILA/1/3/4/1.

⁸ ILA/1/7/5.

⁹ ILA/3/11/3.

¹⁰ ILA/3/11/2.

¹¹ ILA/4/14.

¹² ILA/4/6/1.

¹³ Ilbert, C. P., 'Review: The Grotius Society — Problems of the War by Grotius Society', *Journal of the Society of Comparative Legislation*, Vol. 16, No. 2 (1916), pp. 381–383.

¹⁴ See ILA/6/9 and ILA/6/10.

¹⁵ ILA/6/12.

Biography

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CURRENT ISSUES

The BIALL Annual Law Firm Library Survey 2015/2016

Abstract: The BIALL annual law firm survey was launched in October 2016. The aim was to understand standard practice across the law firm library sector and to benchmark certain aspects of a library's service against other firms, providing a year-on-year comparison of how the profession is changing. This is an overview of how the survey came about and a summary of the key findings from the first year's results. It was written by the Working Group members. The full survey results can be found on the BIALL website¹.

Keywords: law firm libraries; surveys

BACKGROUND

In February 2015, a request was emailed to the BIALL JISCMail list asking if any members would be interested in helping to create an annual law firm library survey. Seven volunteers came together to form a Working Group from a range of large to medium sized firms and from an outsourcing company. The group was spread across the country and, following an inaugural meeting in London, all communication was carried out via email and conference calls – a testament to how much can be achieved 'virtually'!

The survey's intention was not to create industry standards but to help information professionals understand where they sit in comparison to other law firms of the same size, against a backdrop of increasing supplier costs and budgetary pressures.

There were three main aims:

- **Comparison and benchmarking**
The ability to understand standard practice across the law firm library sector and to benchmark certain aspects of a library's service against other firms, particularly when making a business case or