

THE ACTIVITIES OF
THE INSTITUTE FOR INTERNATIONAL AND FOREIGN TRADE LAW
JULY 1, 1966 - June 30, 1967

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INTRODUCTION

THIS REPORT IS DESIGNED TO PROVIDE A BRIEF DESCRIPTION OF THE WORK OF THE INSTITUTE AND TO OUTLINE ITS ACTIVITIES FOR THE PAST FISCAL YEAR.

The Institute continued its joint programs with a sister institute in Frankfurt, Germany.^{*/} The joint program of the Institutes has two inseparable aims: (1) to provide American and European lawyers -- both scholars and practitioners -- with fruitful comparisons

^{*/} The Institut fuer Auslaendisches und Internationales Wirtschaftsrecht (The Frankfurt Institute) was established by the Johann Wolfgang Goethe Universitaet in Frankfurt/Main for the purpose of special studies in the field of international trade law. Its staff comprises three directors, each with the status of full professor, two assistants, and five legal assistants. Financial support is extended by the Government of the Federal Republic of Germany, the State of Hesse, and the City of Frankfurt/Main. The Institute maintains close relations with the
(footnote continued)

of policies, rules and standards in the field of trade regulation; and (2) to find common guides and coordinated methods of procedure in the field of trade regulation.

EXCHANGE PROGRAM

Since 1948, the Institutes have exchanged 39 law students and 19 professors of law.

During the past fiscal year, the Institute supported two American fellows who participated in Institute research, did graduate work at the Law Center, and prepared for a second year of graduate study in Europe. One Swiss and two German fellows spent the year at the Institute engaging in research for the Institute and taking courses at the Law Center to aid in the preparation of their professorial theses. In addition, an

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Max Planck Institutes for Public and Private International Law in Heidelberg and Hamburg and with universities in Switzerland, France and Italy. At various times German industries, especially the chemical, coal and steel industries, have evinced an interest in the Institute's work on current problems and have donated funds to further that work.

It maintains an extensive library, including a complete set of United States federal court reports and a substantial body of state court reports, and is able to
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emminent guest professor, Doctor Hans Liermann, was brought to the United States by the Institute to lecture and do research on United States law relating to foundations.

Three German fellows supported by other sources used the facilities of the Institute to carry on research within the scope of the Institute's program. While they were not directly engaged in Institute projects, they significantly enriched the intellectual life of the Institute, taking part in many fruitful exchanges of ideas.

Two American students who spent the 1965/66 year at the Institute studied at the counterpart Institute in Frankfurt this past year. In addition, one American student chosen by the Institute was sent to Frankfurt to work on the OECD report.

RESEARCH

During the past year, the Institute continued its work on a report for the Organization for Economic

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make available a rich collection of German and international source materials. Its members are in communication with lawyers, scholars and businessmen throughout Europe. As a consequence, the Institute enjoys an enviable reputation as a European center of careful, systematic research in various fields of international trade law.

Cooperation and Development on the Adverse Effects of Restrictive Business Practices on International Trade. Nearing completion, this report is being prepared in cooperation with the Institute's counterpart in Frankfurt. As part of this project, reports on selected industrial sectors (aluminum, copper, zinc, sulphur, diamonds, fertilizer, and radio and television), preliminary sector reports on oil, natural gas, and steel, and a General Report have been submitted to the OECD.

Work was begun on a book on international currency law which is being prepared by the Institute in cooperation with Dr. Hans Aufricht of the International Monetary Fund and Dr. Otto Donner of the World Bank. Designed to fill a gap which is the subject of much current legal and economic discussion, the book will contain a compilation and interpretation of international and national currency law.

Institute fellows researched specific problems concerning the new European corporation statutes. An energy study analyzes legal aspects of international commerce in natural gas and electricity between the United States, Canada and Mexico.

LECTURE PROGRAM

During the year, the Institute offered a series of lectures at the Law Center and at the main campus of Georgetown University to which students, faculty, and friends of the University were invited. The following programs were presented:

Dr. Hans Aufricht, Counsellor of the International Monetary Fund: "The International Monetary Fund"

Professor John W. Whelan, Georgetown University Law Center: "Disputes Under Government Contracts"

Dr. Arved Deringer, Member of the German and European Parliaments: "The Common Market -- Success or Failure?"

Mr. Alfred Whyte, American Security and Trust Company: "Trust Departments of American Banks"

Mr. Wilhelm Paues, Federation of Swedish Industries' expert on European integration, Swedish delegate to GATT and OECD: "The EFTA and the Kennedy Round"

Dr. Hans Liermann, Professor Emeritus of the University of Erlangen, Germany: "Jus Canonium Protestantium -- In Particular its Development Since World War II"

Professor Donald E. Schwartz, Georgetown University Law Center: "Inside Information and the Stock Market"

Milo Coerper, Esq., Coudert Brothers: "The Practicing Lawyer and the ABA"

Dr. Willard F. Mueller, Director, Bureau of Economics, Federal Trade Commission: "Current Enforcement of Merger Policy"

Dr. Görg Gentinetta, Institute Fellow: "New York Convention on Recognition and Enforcement of Foreign Arbitration Awards and the Possibility of the United States Becoming a Party to the Convention"

Aron Broches, Esq., General Counsel of the World Bank, Secretary General of the International Center for the Settlement of Investment Disputes: "The Convention on the Settlement of Investment Disputes"

Dr. Eberhard Günther, President of the German Federal Cartel Office (Bundeskartellamt, Berlin): "The Law on Cartels During the Last Decade"

Dr. Hans Ulrich Bachmann, Director, Schweizer Institut fuer Aussenwirtschafts--und Marktforschung: "World Monetary Problems From a Swiss Point of View"

PUBLICATIONS

Heinrich Kronstein, International Cartels-- A Comparative Study of the Development and Function of the Legal Institutions in Modern International Trade. (This book has been published in German, and negotiations to publish an English edition are underway.

Heinrich Kronstein, Die Anwendbarkeit der §§ 311 ff. AktG über die Verantwortlichkeit im "faktischen Konzern" bei mehrstufigen Unternehmensverbindungen, Der Betriebs-Berater 1967, S. 637.

Edwin J. Bradley, "Toward a More Perfect Close Corporation--The Need for More and Improved Legislation," 54 Georgetown Law Journal 1145 (1967).

John T. Miller, "The American Corporation in American Foreign Trade; A Case of Ill-defined Private Right and Unrefined Public Power", 70 Dickerson Law Review 430 (1966).

CONFERENCES

An exchange program and a program for joint research such as that described above operate most effectively when they bring scholarly institutions and universities into close contact with governments, labor unions and important figures in the field of international trade law. The Institutes have become convenient meeting places for those who do the thinking and prepare the position papers on important issues in international and domestic trade regulation, including such questions common to both Europe and the United States as comparative techniques of trade regulation, protection of competition, coordination of tariff and cartel regulation, and other devices of public control of business. These contacts have for several years occurred on an informal basis.

Over the past year the Institute continued preparation of a conference on restrictive practices which is to be held in London in the spring of 1968. The conference is being planned in cooperation with British institutes and government agencies and will include lawyers, government officials, economists, and professors. The general topics to be considered are the existence of restrictive business practices, the role of national laws in promoting free international trade, the possibilities and need for multilateral cooperation, and the utility of traditional economic concepts. This conference follows earlier ones held in 1960 (Frankfurt, Germany) and 1962 (Washington, D.C.) which focused on restraints of competition and the extraterritorial effects of trade regulation, respectively. Publication of the conference proceedings is planned.

MISCELLANEOUS

The Institute began to prepare a symposium on the new European corporation statutes for the American Journal of Comparative Law. The symposium will fill an entire issue to be published late in 1967. Prominent European

practitioners will discuss the most important changes in their national laws and the Common Market draft statute, and American lawyers will discuss the impact of these changes on American firms doing business in Europe.

INSTITUTE PERSONNEL AND BOARD

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