

INSTITUTE FOR INTERNATIONAL AND FOREIGN TRADE LAW
GEORGETOWN UNIVERSITY

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September 25, 1970

Annual Report - 1970

The Institute for International and Foreign Trade Law, together with its sister institute in Frankfurt, Germany, was founded for the purpose of promoting a greater understanding, on both sides of the Atlantic, of the legal problems of international economic relations. In furtherance of this aim, the Washington Institute has endeavored to make itself a center for scholars, students and practitioners in the field, both American and foreign. The programs which the Institute sponsors are thus designed to bring together the complementary elements of serious academic research, general learning, and practical experience.

At the annual meeting of the Board of Trustees in 1969, Dean Adrian S. Fisher was elected Chairman of the Board and a new director for the Institute was appointed, Professor Don Wallace, Jr. Professor Heinrich Kronstein is the Director of Research of the Institute. A new Executive Committee was established, consisting of Dean Fisher, Kurt Biedenkopf, Otto Donner, Milton Freeman and Werner Kronstein, who was designated the Committee's executive secretary. Six new members of the Board itself were elected: Edwin Bradley, Paul Dean, Peter Eigen, Werner Kronstein, Father Brian McGrath, and Eckard Rehbinder.

The series of fellowships provided by Dr. Wilhelm Schulte zur Hausen have long been the backbone of the Institute. As in the past, 1969-70 saw two European students working in Washington, with one American each in Washington and Frankfurt. In addition, a number of other foreign students, supported by other funds, made use of the Institute's facilities for their own study and participated in Institute research as well.

The Institute has also served, on occasion, as a center for visiting scholars, in which case arrangements are made for such

gentlemen to meet with appropriate government and private officials during their stay in Washington. Three Indonesian officials made use of this opportunity in the summer of 1970, and the Institute expects to be of similar assistance in the future.

The Institute has also encouraged, on an ad hoc basis, several foreign lawyers gaining practical experience with law firms in Washington to attend selected courses on relevant subjects at the Law Center. It is hoped that this program may become more institutionalized, leading eventually to the establishment of a practitioner's seminar at the Institute, where young foreign attorneys would meet on a regular basis to explore selected topics in American law with resident experts. In the 1970-71 academic year an orientation program consisting of lectures by professors, including Dr. Kronstein and Professor Wallace, and practitioners, and visits to courts, executive and administrative offices, Congressional hearings, and law firms, will be arranged for all foreign law students at the Law Center, and such foreign lawyers.

Educational Programs

A principal project presently under way is the Institute Conference on Problems of Direct Foreign Investment in the United States to be held on October 12 and 13 of this year. The conference will consist of four panel discussions, two luncheons and one dinner. Each panel discussion will center mainly on papers prepared in advance by designated panel members, and will be keynoted by distinguished figures in the respective fields. Principal addresses will be delivered at the luncheons and the dinner. It is hoped that through transcription of the proceedings, valuable insights may be gained which, aside from their value to the participants, may be incorporated into the Institute's Foreign Direct Investment Study, discussed below. Participation in the conference will be by invitation only. Principal speakers and keynoters are:

Dinner, October 12: Mr. George Ball, speaker
Luncheon, October 12: Dean Adrian S. Fisher, speaker
Luncheon, October 13: Professor Kurt H. Biedenkopf, speaker

October 12:

Panel on General Problems of European Direct Investment in the United States: Sir Eric Drake, Mr. Philip Trezise, keynoters

Panel on Finance and Securities Regulations: Mr. Manuel F. Cohen, keynoter

October 13:

Panel on Antitrust: Professor Heinrich Kronstein, speaker

Panel on Taxation: Mr. Edwin Cohen, keynoter

The Institute will also co-sponsor, with the Inter-American Bar Foundation, this fall a series of seminars on the legal aspects of Latin American commercial problems, for practitioners and students.

A joint program, co-sponsored by the Institute and the Law Center's International Law Society, in 1969-70, was the International Law Speakers Program. Two presentations were given. One was a symposium on careers in international law comprised of Elting Arnold, General Counsel of the Inter-American Development Bank; Stanley Metzger, Professor of Law at Georgetown; John R. Stevenson, Legal Advisor to the Department of State; and Walter Surrey of Surrey, Karasik, Greene & Hill. The second was a talk by Joseph Gold, General Counsel of the International Monetary Fund, on the subject of "A Comparison between Gold and Special Drawing Rights as a Reserve Asset in International Law."

For the future, the brightest prospect for new educational programs concerns the establishment of a training center at the Institute for middle-level negotiators of international investment agreements from less developed countries. It has long been felt that there is a short supply of persons trained in the art of negotiation from these countries, and that a program concerned with the fundamentals of the negotiating process would help to produce more durable agreements.

The Institute is also exploring other programs, including the preparation of studies with respect to the procurement of engineering and construction services, and equipment, by developing countries.

Research Programs

The principal research project for the Institute in 1969-1970 was the commencement of its two-year study of the Legal Environment for Foreign Direct Investment in the United States.

Dr. Heinrich Kronstein is preparing a major study of the American antitrust laws and related areas such as patents and trade. The study is intended to provide a practical, rather than analytical, guide to the legal problems faced by prospective investors. To that end, the Institute has sought broad participation in its production. During the past academic year, two dozen law undergraduates at Georgetown worked under Roger Rosendahl, Schulte zur Hausen Fellow, on the identification of the major problem areas. Drafts of most sections were then prepared during the past summer by a limited number of qualified students, mostly recent Law Center graduates. During the fall the drafts will be circulated to practitioners in the various specialized areas, as well as to certain institutional participants: Baker & McKenzie of Chicago, Schrodgers Banking Corporation of New York, and Bayerische Anilin und Sodafabriken Corporation. Their comments incorporated, publication will be in the spring of 1971, under the auspices of LAW AND POLICY IN INTERNATIONAL BUSINESS, the new and well-received international journal of the Law Center.

As always, considerable independent research was conducted by active members of the Institute, resulting in the publication of a number of scholarly pieces. A two-part article, The President's Exclusive Foreign Affairs Powers Over Foreign Aid, by Professor Wallace, appeared in the April and June issues of the DUKE LAW JOURNAL. The new English version of Professor Kronstein's book on international cartels was edited at the Frankfurt Institute and is now at the Cornell University Press. Bruce Butler, Schulte zur Hausen Fellow, Frankfurt, published an article entitled Countervailing Duties and Export Subsidization: A Re-emerging Issue in International Law in the VIRGINIA JOURNAL OF INTERNATIONAL LAW. Another article, Border Tax Adjustments: Problems and Proposals, by Roger Rosendahl, appeared in the Winter issue of LAW AND POLICY IN INTERNATIONAL BUSINESS.

In addition, Professor Wallace published a book review of an international law casebook by Chayes, Ehrlich and Lowenfeld in the June issue of the HARVARD LAW REVIEW, as well as two short pieces entitled Israel: Summary and Bibliography (with Mr. David Sassoon of the World Bank) and Turkey: Summary and Bibliography in THE INTERNATIONAL LAWYER.

The Institute has been pleased to make space and administrative services available to visiting scholars who wish to do research for an extended period in Washington. Dr. Norbert Horn of Frankfurt was associated with the Institute in this capacity in 1969-70, and Professor Robert Anthony, on sabbatical as Director of

the International Legal Studies Program of the Cornell Law School, will also be so in the coming year. Professor Wolfgang von Marschall will be at the Georgetown University Law Center this year and will give a course in Comparative Contract and Tort Law.

A program of research involving Latin America is being undertaken by the Institute. Three Georgetown law students, under Institute direction, will do research on issues of current interest to lawyers practicing in Latin America.

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The physical facilities of the Institute were greatly expanded by the acquisition of the third floor of the building. The fourth floor has also recently been added. Arrangements will be made for new quarters for the Institute when the Georgetown University Law Center moves to its new location on First Street, N.W., Washington, scheduled for the summer of 1971.

The Institute plans to prepare a newsletter to be sent to alumni and friends of the Institute on probably a quarterly basis, in the future.

INSTITUTE DIRECTORY, 1969-71

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Director of Research	Dr. Heinrich Kronstein
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Graduate Student Participants
in Investment Study

William Adams, U.S.A.

William Althen, U.S.A.

Stephen Glazer, U.S.A.

Douglas Hoffman, U.S.A.

Ulrich Pross, Germany

Cornelius van Raad, Netherlands