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Chairman's Report

Section of International Law American Bar Association

This report summarizes the activities of the Section of International Law for the Association year 1981-1982, the 49th year since its organization in 1933.

Membership

Section membership increased to 11,444 as of May 31, 1982, including 9,061 lawyers, 2,084 law students and 299 associate members.

Meetings

The Section and Council met at the Annual Meeting held in New Orleans, August 7 through 12, 1981. The Officers of the Section also met in Chicago, Illinois, in conjunction with the Association's Section Officers' Conference in September, 1981. The Council's Midwinter Meeting was held in St. Thomas, U.S. Virgin Islands, from December 4 through 6, 1981. For the first time in many years, the Section held its Spring Meeting outside of Washington, D.C. This meeting was held in Boston, Massachusetts in cooperation with the Boston Bar Association from April 16 through April 18, 1982.

House of Delegates Actions

At the Annual Meeting in New Orleans the House of Delegates adopted the following recommendations submitted to it by the Section of International Law.

1. A recommendation commending U.S. efforts in implementing the Iranian agreements and in assuring full, fair, and prompt compensation of U.S. claimants, and recommending that any U.S. agencies concerned with implementing such agreements be provided sufficient resources to ensure satisfactory resolution of claims;
2. A recommendation supporting implementation of appropriate measures for notification to and consultation with both the U.S. State Department and affected foreign governments before any federal independent regulatory agency or executive agency issues subpoenas or investigative demands or takes any other enforcement actions directed beyond the territory of the United States, and recommending establishment of a Commission on the International Application of the U.S. Antitrust Laws,

charged with studying and reporting on the scope, application and effect of U.S. antitrust laws in foreign Commerce;

3. A recommendation urging U.S. ratification of the Inter-American Convention on Letters Rogatory and the Additional Protocol, with reservations;
 - (a) excluding from the scope of the treaty letters rogatory relating to the taking of evidence and obtaining of information abroad, and
 - (b) stipulating U.S. acceptance of the treaty only with respect to nations ratifying the Additional Protocol;
4. A recommendation supporting U.S. signing and ratification of the U.N. Convention on Contracts for the International Sale of Goods, with a reservation excluding subparagraph (1)(b) of Article 1 of the Convention.

At the Midwinter Meeting of the Association in Chicago on January 25 and 26, 1982 the following recommendations, submitted by the International Law Section, were adopted by the House of Delegates:

—a recommendation supporting principles of free speech and free press in international fora; opposing measures in international organizations which promote the licensing of journalists and restriction of news sources, and endorsing actions taken by the U.S. government supporting national and international programs for the training of journalists.

—a recommendation urging approval by the United States of expansion of the advisory jurisdiction of the International Court of Justice to include questions of international law referred by national courts.

—a recommendation (submitted jointly with the Standing Committee on World Order Under Law) approving in principle the concept of a convention which would address the problem of terrorist activities in the Americas in a comprehensive manner along the lines of a model convention attached to the recommendation.

—a recommendation (submitted jointly with the Section of Natural Resources Law) favoring signature and ratification by the United States of the "Agreement Governing the Activities of States on the Moon and Other Celestial Bodies," subject to declarations consistent with certain principles set forth in the recommendation. In essence, those declarations would preserve the existing rights of the United States regarding the exploration and use of the resources of the moon and other celestial bodies.

Blanket Authority

The Section utilized the Association's blanket authority procedure for the purpose of presenting to Congress its views on legislation (HR 5235) which represents an attempt to narrow the application on the antitrust laws to export transactions and which would resolve some areas of confusion as to the subject matter jurisdictional scope of the antitrust laws.

Section Educational Programs

At the Annual Meeting in New Orleans, the Section sponsored educational programs dealing with the following:

Current developments in international petroleum and mining, emerging legal and policy issues regarding the New World Information Order and Transboard Data Flow, the Act of State Doctrine, International Arbitration (with the Iranian settlement as a case study) and the extraterritorial application of U.S. law and U.S. foreign policy.

The Section's International Communication Committee sponsored a workshop in November of 1981 which examined developments arising from UNESCO's support of the New World Information Order.

At the Section's Midwinter Meeting in St. Thomas, there was a full day educational program entitled "The Caribbean—Its Changing Legal Environment." The educational program focused on the laws relating to investment in the Caribbean countries and the then recently announced Caribbean Basin Development Plan.

At the Section's Spring Meeting in Boston, there were educational programs dealing with the Restatement of Foreign Relations Law, law and policies in U.S. strategic weapons management, strengthening international negotiations methodology and a very interesting panel discussion regarding a hypothetical foreign investment being a Massachusetts based high technology company.

On May 19, the Section sponsored, in cooperation with the Center for Law and National Security at the University of Virginia, a luncheon panel discussion on "The Conflict in El Salvador: The current situation and trends." This program was held at the Rayburn House Office Building.

International Legal Exchange Program

Operation of the International Legal Exchange Program (ILEX), which the Section of International Law assumed beginning in August 1979, continues to be very successful. The program is operated by the Section out of the Association's Washington office and, in the past year, has focused on group programming as well as individual placements for U.S. lawyers overseas as well as foreign lawyers in the United States.

ILEX arranged, in conjunction with the National Center for State Courts, a two week program for a large group of English magistrates who visited New York and Boston to study the court systems on both the federal and state level. ILEX also arranged professional programs for the following individuals who were sponsored by their governments to the United States: A government official from the Ukrainian SSR, who visited the United States to study environmental protection in the international arena; an officer from the Ministry of Justice in Japan for a study of corporate reorganization and bankruptcy proceedings and two lawyers from Taiwan (sponsored by the Asia Foundation) whose study program concentrated on human rights and the administration of justice.

ILEX also arranged individual placements for a number of foreign lawyers in the United States, including an attorney from India who will become affiliated with a leading Tampa law firm, a lawyer from Nigeria who was placed in a large Pittsburgh law firm, a tax expert from India who has joined a Washington tax firm, a lawyer from Luxembourg who will be spending two months with a trial firm in San Francisco, and a patent expert from Great Britain who will also become affiliated with a firm in San Francisco which specializes in patent law. ILEX also placed a woman attorney from Washington with law firms in Bahrein and Kuwait.

ILEX is sponsoring a briefing trip for U.S. lawyers to Zimbabwe and South Africa from October 22 to November 7 of this year. The trip is designed to inform American lawyers on the legal systems in Zimbabwe and South Africa and focuses upon relations between the two countries and the United States. There will be briefings by lawyers, law professors, business men and government official in the two countries. The group will also visit courts and law schools as well as areas of special significance such as Soweto in South Africa.

Section Name Change

At its April meeting, the Section voted to change the Section's name to "Section of International Law and Practice." This new name is considered to reflect better the fact that the Section's activities embrace not only matters of public international law but also issues of everyday concern to practitioners, such as transnational litigation and counseling on the application of national laws to international transactions. This name change, which requires a bylaw amendment, must be approved by the ABA's House of Delegates.

Publications

The Section has issued the following publications during the past Association year: *Current Legal Aspects of International Estate Planning* which discusses how to handle foreign investments in the United States as well as manage U.S. investments and estates overseas; *Current Legal Aspects of International Trade Law* which discusses topical international trade issues; and *Current Legal Aspects of Doing Business in Latin America*.

Staff Move to ABA Washington Office

Just following the 1981 Annual Meeting, the Section moved its administrative offices from Chicago to the Association's offices in Washington, D.C. The new Section Administrator is Cynthia Price who has combined her present duties as assistant to the Executive Director of the International Legal Exchange Program with those of Section Administrator. For the first time this office has compiled and mailed to all Section members the Section

Directory which lists the names and addresses of officers, Council members as well as Committee Chairmen and Vice-Chairmen.

New Committees

During the past Association year, the Section established the following new Committees: *Committee on Technology Exchange* which will focus on U.S. regulations of technology exports, free trade in technology, soft wear and related technology and Latin American regulation of technology imports; *Committee on Mexico* (for which there will be co-chairmen—one from the United States and one from Mexico); the *Committee on Extraterritorial Application of U.S. Law* which will be concerned, *inter alia*, with the scope, application and effect of U.S. antitrust laws in foreign commerce; and the *Committee on Judicial Education on International Law*, the chairman of which is the Hon. Edward D. Re, Chief Judge of the International Trade Court and former Chairman of the Section of International Law.

Respectfully submitted,

CHARLES N. BROWER, *Chairman*

