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Seminar on Negotiating and Implementing International Trade Agreements
February 13-24, 1995
Tashkent, Uzbekistan

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Kelly Gauger
Program Administrator
International Law Institute
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Overview

The International Law Institute, in conjunction with the United States Agency for International Development (USAID), has presented the third in a series of three seminars on Negotiating and Implementing International Trade Agreements. This third seminar, held in cooperation with the Ministry of Foreign Economic Relations of the Republic of Uzbekistan in Tashkent, February 13-24, 1995, followed two held in 1994: the first in Almaty, October 24-November 4, the second; in Bishkek, November 9-18. The primary goal of all three seminars was to introduce government officials, university professors and professionals from the private sectors of these three emerging market economies to the multilateral trading system and the policy objectives of trade agreements. The seminars were delivered in English and simultaneously interpreted into Russian. Each participant was given a manual consisting of several hundred pages of Russian-language materials on topics covered in the seminar.

The Tashkent seminar was the most successful of the three, in part due to the hard work and cooperation of our local counterparts, the Ministry of Foreign Economic Relations, and Tashkent State Economic University. Alexander Kim at the MFER was responsible for selecting the participants from several ministries; therefore, the Ministries of Finance, Foreign Affairs and Law were also represented. Durbek Akhmedov, Pro Rector of Tashkent State Economic University was also quite helpful, selecting 34 instructors from the University as participants, and providing space for the seminar within the Department for the Support of Small and Medium Business. Four instructors from the University of World Economy and Diplomacy rounded out a total participant list of 62 people (see attached). This wide variety of participants ensured lively discussion, good questions put to the lecturers, and ensured us that we were reaching a good cross section of professionals in Tashkent. We were also told that several of our participants were soon going to Bukhara for a 3-day seminar on a similar topic, and would be making presentations of what they had learned from our lecturers.

Seminar Content

At the opening session of the seminar, the participants were addressed not only by Mr. Akhmedov and myself, but also by Gerald Zarr of USAID Tashkent and Deputy Ministers from the Ministries of Foreign Economic Relations and of Higher Education. The lecturer for that day, and for the entire first week, was Grant Aldonas, an attorney from the Washington, D.C. law firm Miller & Chevalier. Mr. Aldonas' practice principally involves advising corporate and governmental clients on trade and investment matters, including the recently completed Uruguay Round. He has also served in the U.S. government, first as Special Assistant to the Under Secretary of State for Economic Affairs, and later as Director for Latin American and Caribbean Affairs in the Office of the United States Trade Representative.

Mr. Aldonas' introductory lecture was on The Background and Framework of Trade Negotiations, where he discussed the economic assumptions underlying the international trading system, gave a history of the GATT, discussed the strengths and weaknesses of the GATT, and described what he saw to be the challenges in the future of the international trading system. His second lecture topic was Bilateral, Regional and Multilateral Trade Agreements, where he

discussed the North American Free Trade Agreement (NAFTA), the United Nations Conference on Trade and Development (UNCTAD), and several bilateral agreements. He also discussed the Uruguay Round of the GATT in detail, stopping at each provision to explain how it and the newly created World Trade Organization will affect Uzbekistan. Provisions provoking the most questions and discussion included those on market access, textiles, agriculture, and rules of origin. Mr. Aldonas' final topic was the Generalized System of Preferences (GSP). Uzbekistan is one of four former Soviet Republics which has been granted GSP by the U.S.; but we found that even the Ministry officials responsible didn't fully understand the preferences accorded.

The second week of the seminar was delivered by Mark Davis, who also lectured during the second week of the Almaty seminar in 1994. Mr. Davis recently left the Washington, D.C. office of Steptoe & Johnson, with a colleague formed their own international trade practice, Davis & Leiman. His areas of expertise include International Arbitration, where he has experience in the preparation of evidence, briefs and witnesses for submission to the Iran-U.S. Claims Tribunal for U.S. oil companies; and Antidumping, where he has supervised the defense to U.S. government antidumping litigation and judicial appeals for foreign clients. Mr. Davis' lecture topics were International Commercial Arbitration and Dispute Resolution, Bilateral Investment Treaties and Trade Related Investment Measures, Antidumping, Countervailing Duties and other trade protection measures, and Intellectual Property and Trade in Services. Several of these topics led to rather heated discussions about the degree of "protectionism" in the U.S. and other developed countries, and about the "fairness" of strict intellectual property rights protection and antidumping and countervailing duties imposed on exporters from developing countries. However, while the participants may not have agreed with the positions taken by most developed countries, they at least came to understand them.

Both Grant Aldonas and Mark Davis were excellent lecturers, able to combine their considerable expertise with an effective teaching style. Both had prior teaching experience; Davis at Georgetown University Law Center, Aldonas at USAID sponsored seminars in the Baltic Republics, and both at other ILI seminars. Accordingly, during the seminar evaluation on the final day of the course, the participants emphasized the quality of the lecturers and their willingness to answer any and all questions from the participants. Also during the evaluation, participants were asked to identify the most important topics discussed: those most frequently mentioned were the Uruguay Round, Dispute Resolution, and Trade Protection Measures. None were named when participants were asked which topics should be left off the schedule. As for topics which should be added in the future: joint venture contracts, customs, and more specifics on tariffs were mentioned. Several also said they would have liked to have watched a simulation of an arbitration. Finally, they mentioned that they would have liked more detailed and specific materials, such as tariff schedules for certain developed countries. When asked about the length and timing of the seminar (9:30am-12:30pm, Monday-Friday, February 13-24), most agreed that it was a suitable length of time and number of hours per day.

Conclusion

This seminar was the most successful of the three, judging from the size of the audience and the interest level of the participants. We were able to reach a broad cross-section of ministry officials and university instructors, many of whom assured us that they would be sharing the information and materials with colleagues and students. The seminar topic was surely a timely one, as Uzbekistan and the other newly independent states of the former Soviet Union are striving to become members in the international trading system as represented by the GATT and the WTO, and are struggling to overcome the "information deficit" which has affected them for so long. These seminars can be regarded as a first step in that direction.

Participant List
Seminar on Negotiating and Implementing International Trade Agreements
Tashkent, Uzbekistan
February 13-24, 1995

Ministry of Foreign Economic Relations

Kulakov, Y.N.
Head, Chief Directorate of Export Development

Magdiev, Y.T.
Head, Department of USA and Canada

Islamkhodzpaev, K.S.
Head, Pacific Region

Mikheeva, N.Y.
Chief Specialist
Department of International Organizations

Shakirov, K.
Leading Specialist
Department of Europe

Tairov, G.S.
Head, Department of Natural Resources Analysis and Forecasting

Israilova, V.M.
Chief Specialist
Directorate of Planning and Economy

Kim, A.Y.
Specialist, Department of USA and Canada

Pravshinnikova, V.
Leading Specialist
Department of International Law

Khandanov, R.
Chief Specialist
Department of International Law

Ministry of Finance

Kodirov, E.T.
Deputy Head, Chief Directorate of Currency and Economy

Soliev, R.Y.
Chief Economist
Department of International Economic Relations

Adkhamdjonov, O.
Chief Economist
Department of Currency Income and Outcome

Ministry of Foreign Affairs

Bakieva, L.R.
Head, Department of International Treaties

Makhamadaliev, I.M.
Third Secretary
Directorate of International Organizations

Mirkamilov, D.
Second Secretary
Directorate of American Countries

Karimova, L.
First Secretary, Directorate of Law and Treaty

Mashrabaev, S.T.
Attache
Directorate of International Organizations

Ministry of Law

Doroshenko, N.I.
Head Deputy, International Law Directorate

Tashkulov, A.
Senior Consultant, International Law Directorate

Beknozov, A.
Chief Consultant

Kuchkarov, B.
Chief Consultant

Tashkent State Economic University

Atakulov, M.
Akhmedov, Z.K.
Bekmuradov, A.S.
Bobobekov, B.
Dadabaev, K.A.
Zhalalov, Z.Z.
Zaynutdinov, S.N.
Ivatov, I.
Ikramov, D.
Kamilova, F.
Kasiymova, M.C.
Mirzadzhanov, K.
Muradov, M.A.
Mukhitdinov, D.M.
Nabiev, E.G.
Otabaev, M.F.
Saidkarimova, M.Y.
Samadov, A.N.
Safarov, B.Z.
Sobirov, A.K.
Tashmukhamedov, N.
Toirov, A.E.
Topilov, G.
Tursunov, Y.
Tukhtakhuzhaev, A.A.
Usmanov, S.M.
Usmanova, B.B.
Fattakhov, A.A.
Khuzhaev, N.
Shadibekova, D.A.
Sharipov, S.
Shoislomova, M.S.
Yuldashev, Z.Y.
Yusupov, M.A.
Yadgarov, M.K.

University of World Economy and Diplomacy

Udaydulaev, Z.S.

Arifdhanov, T.

Khaidarov, Z.

Valitov, S.

GRANT D. ALDONAS

Grant Aldonas is a member of Miller & Chevalier, where he practices in the international trade area. His practice principally involves advising corporate and governmental clients on trade and investment negotiations, including the recently concluded Uruguay Round talks. Mr. Aldonas's practice also focuses on the litigation and resolution of international trade disputes. In the process, Mr. Aldonas has appeared before U.S. and foreign agencies and courts, and a variety of international tribunals.

Mr. Aldonas also serves currently as counsel to the Bipartisan Commission on Entitlement and Tax Reform. The Commission, chaired by Senator Kerry, is reviewing options for reform of Social Security, Medicare, and other benefit programs that will guarantee their financial health while balancing the federal government's budget.

Mr. Aldonas is active in legal policy matters through his chairmanship of the American Bar Association's Task Force on the Role of Non-Trade Factors in U.S. Trade Policy. He previously served as the Vice Chairman of the Committees on Trade and Foreign Investment in the United States in the ABA's Section of International Law and Practice.

Prior to entering private practice, Mr. Aldonas served in the U.S. government, first as Special Assistant to the Under Secretary of State for Economic Affairs and later as the Director for Latin American and Caribbean Affairs in the Office of the U.S. Trade Representative. In both positions, Mr. Aldonas negotiated bilateral and multilateral trade and investment agreements on behalf of the United States.

Mr. Aldonas is a 1979 graduate of the University of Minnesota Law School, where he studied under one of the foremost experts on GATT dispute settlement, Professor Robert Hudec. Mr. Aldonas received his B.A. in International Relations in 1975 from the University of Minnesota as well.

Mr. Aldonas has authored a number of articles on international legal matters, including "Law of Succession" in Public Policy in Transnational Relationships (Kluwers, forthcoming 1994); "Official Export Financing Arrangements: U.S., U.K., EC, and OECD" in International Finance in the 1990s (Blackwell, 1993); "Judicial Review Under the Export Administration Act: Section 13 and the Cost of Unreviewable Regulation" in The Law and Policy of Export Controls (ABA, 1991); "Implementation of the United States-Canada Free Trade Agreement" in United States-Canada Free Trade Agreement: The Economic and Legal Implications (ABA, 1988); and "U.S. Legal Implications of Countertrade Deals" in International Financial Law Review (September 1985).

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Professional Positions

Partner, Davis & Leiman, Washington, D.C., 1994-present.

International trade practice.

Of Counsel, Steptoe & Johnson, Washington, D.C., 1992-1994; Associate 1983-1985, 1987-1992.

General commercial and international practice.

Adjunct Professor of Law, Georgetown University Law Center, Washington, D.C., 1990-present.

Teach classes on Developments in Law of the Soviet Union and Russian Federation.

Faculty, International Law Institute, Washington, D.C., 1989-present.

Teach seminars on international legal topics to foreign law students, lawyers, and governmental officials.

Registrar, Marine Drive Complex -- Ghana Arbitration, Washington, D.C., 1988-1991.

Assist arbitrators in establishment of tribunal and drafting of awards in international investment dispute arbitration.

Legal Assistant, Iran-United States Claims Tribunal, The Hague, Netherlands, 1986-1987.

Advisor to American arbitrators at the Tribunal, including drafting of awards and opinions.

Summer Associate, Steptoe & Johnson, Washington, D.C., 1982.

Graduate Assistant, Brigham Young University, Provo, Utah, 1981-1982.

Research and writing for James Backman, Professor of Law, and Don Sorensen, Professor of Political Science.

Areas of Professional Experience

International Trade -- supervise defense to U.S. government antidumping litigation and judicial appeals for clients in Korea, England, New Zealand, Italy and Finland in the steel, apparel, electronics, agricultural, chemical and paper industries; assist with antidumping actions on behalf of U.S. manufacturer in Australia and Europe; advise U.S. cement importer group in preparing business strategies to avoid antidumping liability.

International Arbitration -- preparation of evidence, briefs and witnesses for submission to Iran-U.S. Claims Tribunal for U.S. oil companies; assistance to Russian and Ukrainian entities involved in international arbitral claims; assistance to dual Iranian-U.S. nationals in pursuing expropriation claims against Iran; advice regarding settlement and other arbitration-related matters. Co-author of book on application of UNCITRAL Rules at the Iran-U.S. Claims Tribunal; member of advisory board of International Law Institute's Gulf Claims Reporter covering the Iraqi claims commission.

International Investment -- assistance to various U.S. companies and organizations in establishing trade and investment ventures in or with Russian and other former Soviet republics; representation of religious groups in establishment of Russian legal entity; monitoring and analysis for committee of U.S. multi-national companies of bilateral investment treaties with East European countries; presentations to trade groups on Russian and East European investment law; lobbying and strategy advice for U.S. industry groups seeking to promote trade and investment in Eastern Europe.

General Practice -- immigration, antitrust, appellate and Supreme Court practice, and administrative matters; Pro bono: counsel to Takoma Park Symphony Orchestra; representation of various environmental groups defending suit brought by NRA; numerous immigration and naturalization matters for indigent clients; assertion of human rights claim of Lithuanian refusenik at UNESCO.

Non-Legal Employment

Instructor of Russian, Brigham Young University, Department of Asian and Slavic languages, 1980.

Radio Announcer, Classical Music Station KBYU-FM, Provo, Utah, 1979.

Voluntary missionary for the Church of Jesus Christ of Latter-day Saints in Italy, 1975-1977.

Education

J.D. - Magna Cum Laude, Brigham Young University, 1983.
Editor in Chief, BYU Law Review; Order of the Coif;
J. Reuben Clark Scholar; Academic Scholarship; International Law Society.

M.A. - Degree in Political Science (International Relations
Emphasis), Brigham Young University, 1983. GPA: 4.0.

B.A. - Cum Laude (Double Major in Russian and International
Relations), Brigham Young University, 1980. National Merit/ Trustees' Scholarship;
Assistant Editor, Student Literary Journal; Member A Cappella Choir.
Summer language study in Moscow and Leningrad, 1979.

Personal Information

Speak Russian, Italian, and Dutch.

Interests include music, camping, harpbuilding, and carpentry.

Born April 2, 1956. Married and have three daughters, ages 8, 10 and 15, and foster son, age 18.

Publications

The UNCITRAL Arbitration Rules in Practice: The Experience of the Iran-United States Claims Tribunal (Deventer/Boston: Kluwer Law and Taxation Publishers, 1992) (with Stewart A. Baker).

"Developments in the Russian Investment Environment," 1993 Case Western International Law Review 213 (with Robert J. Sokota)

"Review of International Transactions and Claims Involving Government Parties," 7 ICSID Review--Foreign Investment Law Journal (1992)

"Recent Stitches in the Department of Commerce's Cost of Production Analysis: The MMF Sweaters Antidumping Case," 25 George Washington Journal of International Law and Economics 115 (1992) (with Jeffrey A. May)

"Resolving Disputes Arising from Investment and Trade in the Soviet Union," in Proceedings of the 1990 Moscow Conference on Law and Bilateral Economic Relations, American Bar Association, Section of International Law and Practice (1991).

"Review of International Commercial Arbitration and the Courts and 1991 Guide to International Arbitration and Arbitrators," 6 ICSID Review--Foreign Investment Law Journal 610 (1991).

"Trade and Investment in The New Europe -- East and West," 2 Europa 1992 1:11 (May 1990) (with Charlene Barshefsky and Barbara Dillon Hillas).

"Arbitral Proceedings Under the UNCITRAL Rules: The Experience of the Iran-U.S. Claims Tribunal," 23 George Washington Journal of Int'l Law and Economics 267 (1989) (with Stewart Baker).

"Review of Yearbook Commercial Arbitration," 4 ICSID Review-- Foreign Investment Law Journal 452 (1989).

"Establishment of an Arbitral Tribunal Under the UNCITRAL Rules: The Experience of the Iran-United States Claims Tribunal," 23 International Lawyer 81 (1989) (with Stewart Baker).

"The Iran-United States Claims Tribunal After Seven Years: A Retrospective View from the Inside," 43 Arbitration Journal 4:16 (December 1988) (with Charles N. Brower).

"National Bank Laws Governing the Rights and Responsibilities of Non-resident Depositors," 19 International Lawyer 1119 (1986) (with Edward R. Leahy).

"Trade Regulation Law in the United States," 12 Kokusai-Shoji-Homu (Journal of the Japanese Institute of Business Law) 238 (1984) (with Stewart Baker).

"Presidential Power and the Iranian Hostage Agreement," 1982 Brigham Young University Law Review 161.