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## Introduction: Conflicts on Export Controls and Defense Trade Matters

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## INTRODUCTION: CONFLICTS ON EXPORT CONTROLS AND DEFENSE TRADE MATTERS

*Dorinda Dallmeyer*

I am Dorinda Dallmeyer. I am the Associate Director for the Dean Rusk Center for International and Comparative Law at the University of Georgia, I am also a member of the Advisory Council for the Canada-U.S. Law Institute. If we could, please be seated so that you show the same courtesy to the speakers that I am sure they would show to you.

It is a pleasure to welcome you here to this session where we focus on conflicts and export controls in defense trade matters. We have two imminently qualified speakers. We are going to have a bit of a different format. Rather than having two individual presentations, as others have, we are going to have a more wide-ranging and open discussion.

We are going to start off with Terence Murphy, a graduate of Harvard with a law degree from the University of Michigan. He is the founder of the international law firm of Murphy & Weber based in Washington D.C. with offices in Helsinki and Frankfurt. He is the director of the American Association of Exporters and Importers with a particular emphasis on the issue of technology transfer. He has been deeply involved with the issue of encryption technology transfers on behalf of a leading company in global telecommunications, and he also advises clients on economic sanctions and export controls.

Of the eight major diplomatic legal debates on export controls or economic sanctions from the early 1980s to the present day, Terry Murphy has played significant roles in six; he has been successful in five. Number six is the Massachusetts Burma sanctions case,\* which we were just discussing, now pending in the U.S. Supreme Court.<sup>1</sup> He missed only Iraq and Cuba, but he says he does not really 'miss' them at all. He also is a former member of the ABA's Administrative Law Counsel, and is Honorary Officer of The Order of British Empire, the only American so honored in the year of 1993.

From Canada, we have Douglas Forsythe who was educated at Carleton University and received his law degree from Osgoode Hall. After a stint in private practice, he joined the Canadian Department of Foreign Affairs and Trade in 1987 where he now serves as head of the economic section of

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<sup>1</sup> See David Ivanovich, *State's Trade Sanctions Ruled Illegal: High Court Slaps Down Massachusetts' Burma Act*, HOUS. CHRON., June 20, 2000, at A4.

Oceans Environmental and Economic Law Division. In this role, Mr. Forsythe is responsible for legal issues arising from Canada's imposition of economic sanctions, as well as providing legal advice to Canadian policy makers when dealing with sanctions imposed by other nations.

We are at a juncture regarding the export control and sanctions regimes. So many of the things that we took for granted in the post-war period on consensus for controlling the spread of munitions and weapons technology have been challenged significantly. Now, national security no longer runs necessarily hand in hand with foreign policy controls. When computers were the size of a bungalow, it was much easier to control their export. Now we have laptops and information traveling at the speed of light. We look forward to hearing their comments on these very important issues. We will begin with Terence Murphy.