INTERNATIONAL LAW INSTITUTE

FOSTERING PROSPERITY THROUGH THE RULE OF LAW

2019 COURSE GUIDE

LAW • GOVERNANCE • FINANCE • MANAGEMENT • INFRASTRUCTURE
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As governments and politics shift, fundamentals must always remain consistent. For more than six decades the International Law Institute has been training governments about the fundamentals and best practice. In times of change, in tested times, fundamentals are fundamental and best practices are best practice. They are tested and true and do not waiver.

Governments must always be able to deliver services to their citizens and must remain accountable while doing so. To help nations achieve this, ILI has been conducting capacity building for the purpose of strengthening institutions, both in the sense of creating officers who can execute the mission of their organization and also building strong institutions that can act as a healthy check and balance on each other.

For a nation to be successful, functionality and internal service delivery are not enough. Countries must prepare themselves on how to participate in the global market, regional economic integration, attract investments, and make their country and citizens competitive.

ILI endeavors to prepare governments to deliver essential services to their citizens while also building strong institutional foundations crucial for participation in the global marketplace. We have trained more than 38,000 government officials, practitioners, and leaders from more than 185 countries on a multitude of matters ranging from procurement to international investment agreements.

The ILI is a non-profit, non-political, independent training organization fully accountable to developing countries and the growth and participation of developing countries. We see law as a means to international development, national development, but at the end of the day the most important purpose is for us to develop officers and champions who will have the right information to actively participate and lead their countries’ development.

Please peruse the courses the International Law Institute is offering in 2019, designed to provide participants with the skills and knowledge necessary to foster prosperity for their country.

We look forward to welcoming you to the International Law Institute.

Sincerely yours,

Kim C. Phan
Executive Director
ABOUT THE ILI

The International Law Institute (ILI) was founded in 1955 as part of Georgetown University. Its mission then was to assist in the rebuilding of governmental and economic institutions throughout post-war Europe. In 1983, the International Law Institute became an independent non-profit, non-political training institution dedicated to providing educational and technical assistance to find practical solutions to the legal, economic, and financial problems of developing countries and emerging economies. To date, the ILI has trained over 38,000 participants from more than 185 countries.

In addition to the International Law Institute’s core program offerings, the ILI provides technical assistance to developing nations in the design of their own laws and economic infrastructure in an effort to further promote good and efficient governance through the rule of law.

THE MISSION

“Fostering Prosperity Through the Rule of Law”

Economic growth is achieved through a sound legal infrastructure. The mission of the International Law Institute is to raise the level of professional capacity in all nations so that professionals may achieve practical solutions to present and future problems in ways that suit their nations’ own needs.

THE NEED

“Nations must build capacity at home for the sake of their own development”

Economic growth is achieved through the right combination of enlightened policies, capable administration, and an active private sector. The process includes developing a transparent, efficient, and stable legal system, sound financial institutions, and a core of trained, able individuals in various professions. These changes are often referred to as “capacity building” and “enhancing the rule of law.”

THE SOLUTION

“A nation’s most valuable asset is its people”

The institutions that matter – good governance, stable legal and judicial systems, transparent procurement policies, and functioning capital markets – are fundamental. These are, however, only as effective as the people who create and manage them. The International Law Institute has trained exceptional individuals from both the public and private sectors of developing countries and we are proud that a number of the ILI’s participants have become prime ministers, supreme court justices, lawmakers, heads of various ministries, and leaders of international organizations.
BOARD OF DIRECTORS

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Special Assistant to the Executive Director

DON DE AMICIS
Senior Advisor

FOSTER DE REITZES
Senior Advisor

HADI ABUSHAKRA
Senior Advisor

ASIF SHAIKH
Senior Advisor
The International Law Institute’s training and technical assistance programs are conducted by international experts and practitioners of many nationalities. They are drawn from government, academia, multilateral organizations, and the private sector.

These experts not only provide participants with high-level instruction they also present an excellent opportunity to network and establish professional contacts.

The International Law Institute has over 500 adjunct faculty who have taught in our programs and provided technical assistance throughout the world.

Our faculty offer a thorough understanding of their fields of expertise and share with participants a wealth of knowledge tempered by practical experience.

In addition to the ILI Center Directors and Course Advisors that are featured in this brochure, the following is a sample of faculty who have taught at the International Law Institute:

PERRY BECHKY
Partner
Berliner Corcoran & Rowe LLP

HANS-MARTIN BOEHMER
Former Senior Manager
World Bank Independent Evaluation Group

AL BURMAN
President, Jefferson Solutions
Former Administrator of the U.S. Office of Federal Procurement Policy

ANTHONY COE
Former Senior Counsel
Office of the Legislative Counsel, United States Senate

HON. TOM DAVIS
Deloitte
Former Chairman of the U.S. House of Representatives Government Reform and Oversight Committee

WARREN DESCHENAUX
Former Executive Director of Department of Legislative Services, Maryland General Assembly

PASCALE DUBOIS
Vice President of Integrity
World Bank

JAMES V. FEINERMAN
Associate Dean for Graduate and International Programs
Georgetown University Law Center
FOCUSED TRAINING

COMPREHENSIVE APPROACH
Each seminar at the International Law Institute is designed to present a focused, comprehensive, and critical examination of a topic. Seminars provide the most up-to-date information available such that practitioners can immediately translate their new skills and knowledge into action.

Our seminars place strong emphasis on knowledge-sharing and interaction among participants themselves, each of whom brings unique personal experience and insight that often prove very useful in the overall learning process.

Importantly, faculty at the International Law Institute enjoy interacting with participants. During an ILI seminar, faculty will coach participants, work closely with them in developing their knowledge and skills, and provide valuable feedback to support learning.

EXPERIENTIAL LEARNING AND SITE VISITS
The International Law Institute’s training is rich and rigorous, focused both on the theoretical and the practical. Our training – comprised of lectures, case studies, interactive exercises, team assignments, and, where appropriate, site visits – affords participants the opportunity to interact both with their colleagues and the instructor and, in many instances, the ability to observe key institutions in action.

In years past, the International Law Institute integrated a number of on-location learning experiences into our seminars including:

- Congress of the United States
- Crowell & Moring, LLP
- Curtis, Mallet-Prevost, Colt & Mosle LLP
- Federal Judicial Center
- Greenberg Traurig, LLP
- International Centre for Settlement of Investment Disputes
- Library of Congress
- Multi-Door Division of the Superior Court of the District of Columbia
- New York Stock Exchange
- Securities and Exchange Commission
- State House of Maryland
- Supreme Court of the United States
- World Bank

NEW YORK STOCK EXCHANGE
REGIONAL OFFICES

INTERNATIONAL LAW INSTITUTE – UGANDA
AFRICAN CENTRE FOR LEGAL EXCELLENCE (ILI-ACLE)

Since 1997, ILI-ACLE provides high-level education to the public and private sectors in the African region. Since its establishment, the ILI’s Center in Uganda has trained over 20,000 participants from over 50 countries spanning the African continent and beyond. With a regional focus in Africa and a combination of regionally and internationally renowned experts, ILI-ACLE’s programs work to address the unique challenges confronting the African continent on areas of judicial reform, commercial law, legislative drafting, anticorruption, human rights, oil & gas, and dispute resolution. The center is also the regional provider of Georgetown University Law Center certified executive education programs in Johannesburg, Kampala, Lagos and Nairobi.

ILI-ACLE operates in several locations across sub-Saharan Africa.

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INTERNATIONAL LAW INSTITUTE – ISTANBUL
İSTANBUL ULUSLARARASI HUKUK DERNEĞİ

ILI Istanbul was established in 2012 to provide training to public officials and private sector executives from Turkey, the Middle East and the North African region. ILI Istanbul also publishes materials and organizes training seminars and conferences focusing on an international, comparative and financial analysis of legislative, executive and judicial topics. Recent events organized by ILI Istanbul include training seminars on Public Private Partnerships (PPPs), introduction to U.S. law, legal writing, and commercial arbitration.

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TECHNICAL ASSISTANCE AND CUSTOM TRAINING

The International Law Institute conducts technical assistance and customized training programs for a wide array of governments and institutions.

Technical assistance ranges from assisting governments in formulation of legislation, institutional strengthening, and training officials and practitioners. The ILI has conducted technical assistance directly for host governments as well as for multilateral donor organizations.

Additionally, the ILI offers customized trainings at the request of host governments. Trainings can be held at the Institute’s headquarters in Washington, D.C. or at a location selected by the host government.

With more than 500 adjunct faculty covering a broad spectrum of law, economics, and management, the International Law Institute has the ability to respond quickly to a government or donor requests for customized training.

If you are interested in having the International Law Institute design and deliver customized training for your institution, please contact Executive Director Kim Phan at kphan@ili.org.

African Development Bank Training on Public Private Partnerships for Lawyers and Understanding & Negotiating Contracts

FIDIC Training for the Pakistan Water and Power Development Authority in DC and Turkey in Cooperation with the Asian Institute of Technology

Inter-American Development Bank Training on Project Monitoring and Evaluation for Barbados
The International Law Institute delivered, among others, the following programs to Chinese Delegations during calendar year 2018:

- Systems and Procedures of Witnesses Appearing in Criminal Trials for the Supreme People’s Court of China and the Guangdong Judge Delegation
- Access to Court Information and Trial & Judicial Transparency for the Guangxi Laibin Intermediate People’s Court
- The U.S. Bankruptcy System for the Beijing People’s High Court
- Cross Border Investment and Commercial Laws in the U.S. and Internationally for the Shanghai Bar Association
- U.S. Administrative Law and Court Procedure for the Beijing Administrative Institute
- Increasing Access to Justice and Relieving Burdens on the Courts by Advancing the Role of ADR for the China Law Society
- Mutual Legal Assistance Treaties and Judicial Assistance for the Ministry of Justice in China
In addition to the International Law Institute’s academic and educational work, the Institute publishes materials on law and economics and also engages in scholarly reporting specializing in the areas of International Trade, Investments, Country Legal & Business Systems, Litigation, Commercial Dispute Resolution, and Foreign Legal Systems.

A publications catalogue may be found online at www.ili.org/publications.

Selected works include:

**A BUSINESS GUIDE TO TRADE AND INVESTMENT: INTERNATIONAL TRADE (VOLUME 1)**  
Co-Published: International Chamber of Commerce and International Law Institute  
Designed to help businesses understand and take advantage of international trade and investment agreements.

**A BUSINESS GUIDE TO TRADE AND INVESTMENT: INTERNATIONAL INVESTMENT (VOLUME 2)**  
Co-Published: International Chamber of Commerce and International Law Institute  
This new ICC publication addresses a wide range of topics related to every facet of international investment, including dispute resolution. Written by leading practitioners in the field, and with a Foreword by the President of the ICC International Court of Arbitration, it provides a detailed overview of what business people need to know about the legal landscape involving international investment and investment disputes. It covers issues related to pre-investment considerations, the legal rights of foreign investors abroad, and the international system for the settlement of investment disputes through arbitration.

**INTERNATIONAL JUDICIAL MONITOR**  
Published by the International Judicial Academy, the International Judicial Monitor is a quarterly online publication speaking to a global audience about history, trends, and new developments in the field of international law.

**LEGISLATIVE DRAFTING STEP BY STEP**  
Arthur J. Rynearson  
Co-published with Carolina Academic Press, this book provides valuable instruction and insight into the art and science of legislative drafting. It is of great use to legislators, legal practitioners, and scholars.

**NATURAL RESOURCES AND THE LAW OF THE SEA**  
THE INTERNATIONAL LAW INSTITUTE’S SERIES ON INTERNATIONAL LAW, PRACTICE, AND ARBITRATION V.2  
Co-Published: Juris Publishing and International Law Institute  
In depth compilation of conference and scholarly papers focused on the exploration, allocation, and exploitation of natural resources in areas under national jurisdiction and beyond.

**INTERIM AND EMERGENCY RELIEF IN INTERNATIONAL ARBITRATION**  
THE INTERNATIONAL LAW INSTITUTE’S SERIES ON INTERNATIONAL LAW, PRACTICE, AND ARBITRATION V.1  
Co-Published: Juris Publishing and International Law Institute  
A compilation of conferences and scholarly papers including Interim and Emergency Relief in International Arbitration.
The Alternative Dispute Resolution Center (ADR Center) provides training and technical assistance on a wide range of ADR related matters. The ILI understands the domestic and international need for effective dispute resolution and acknowledges that ADR makes an important contribution to commercial and economic development. The ADR Center emphasizes the importance of solving commercial and investment disputes through arbitration and mediation.

The ADR Center offers a series of training seminars, including: International Commercial and Investor-State Mediation; Arbitration and Mediation; Advanced Arbitration and Mediation; and Foundations of Advanced Arbitration and Mediation. These seminars provide a sound grounding in ADR theory and procedures and offer an opportunity to gain practical experience through hands-on exercises.

The ADR Center has delivered trainings in Nigeria, Egypt, Ghana, Kenya, Chile, Turkey, Armenia, Uganda and Trainer-of-Trainers programs in Bangladesh. In addition, the ADR Center has developed special programs for Multi-Door Courts and judges to assist them in their critical task of supporting ADR programs in their countries.

The ADR Center also assists law practitioners and government officials with the drafting of mediation and arbitration laws. In addition, the ADR Center provides advice on the implementation of ADR frameworks and supports efforts to strengthen the capacity of new ADR institutions.

The work of the Center is led by the Center’s Director, Anne Marie Whitesell (former Secretary General of the ICC International Court of Arbitration and Director of the Georgetown University Law Center Program on International Arbitration and Dispute Resolution), working with ILI staff and with the active and substantial participation of members of the Center’s Advisory Committee, all of whom are experienced practitioners in the fields of domestic and international arbitration or mediation.

For more information, please contact the ILI at training@ili.org.
The International Law Institute’s Center for Comparative Legislative Management offers advice to legislatures at the state, national, and international levels on both strategic and operational issues. The main focus of the Legislative Management Center is to assist lawmakers and staff in being more effective in their oversight and legislative responsibilities.

The ILI examines best practices important to an effective modern legislature: formulating of public policies; a functioning legislative process; working with and oversight of the executive branch; budgeting and monitoring budget utilization; constituent service delivery; and creating a healthy set of checks and balances. Our seminars offer instruction in policy analysis and succession planning (i.e., the ability to preserve and maintain the work of legislatures particularly during periods of transition).

Through the Legislative Management Center, the ILI offers several seminars including: Legislative Strategic Management; Workshop on Legislative Drafting; and Advanced Workshop on Legislative Drafting.

The Strategic Management seminar examines the operation of the U.S. Congress and state legislatures to demonstrate the relevant of scale and to expose participants to different systems and skills. This allows participants to decide which methods and procedures are most appropriate for their needs.

The two drafting workshops are intensive, hands-on seminars with several drafting projects. Participants enhance their knowledge and skills through practical exercises where they work collaboratively with their colleagues as well as experts in the field.

The Legislative Management Center has worked with a variety of legislatures ranging from the well-established to the newly-formed including those in countries transitioning to democracy. In addition, the Legislative Management Center has designed special seminars for legislatures including seminars designed around specific legislative proposals.

Past activities have included:

- Federalism and constitutional reform for the Nigerian Senate Constitution Reform Committee;
- Procurement Oversight for the Nigerian House Public Procurement Committee;
- Legislative Management for the National Institute of Legislative Studies;
- Training for more than 200 professionals from the National Assembly, State Assemblies, and ECOWAS Parliament; and
- Legislative Drafting for the Lagos State House of Assembly.

For more information please contact Kim Phan at kphan@ili.org.
The International Law Institute’s International Investment Law Center (Investment Center) provides training and technical assistance relating to international investment treaties and investor-state arbitration. Today, investment treaties dominate the international regulatory framework governing cross-border flows of Foreign Direct Investment and portfolio investments. A large percentage of countries are party to nearly 3,000 bilateral investment treaties and free trade agreements containing investment chapters. These treaties provide international law protections and remedies to foreign investors and their investments, as well as granting foreign investors the right to directly initiate arbitral proceedings against host states for violation of treaty standards and protections.

The Investment Center offers two intensive seminars: Fundamentals of Investor-State Arbitration and International Investment Treaties and Investor-State Arbitration. Faculty for these seminars includes professors, private practitioners, former treaty negotiators, and arbitrators. These professionals are picked from world-renowned universities and major international law firms. Investment Center seminars focus on practical issues relating to negotiation of investment treaties and how governments can defend themselves in the event that they are faced with multimillion dollar arbitration claims.

The Investment Center also designs custom programs for interested entities. The ILI has designed and delivered a two-week training program for investment treaty negotiators from the APEC economies entitled International Investment Agreements and Investor-State Dispute Settlements. This custom training was delivered in both Singapore and Washington, DC.

The Investment Center has trained lawyers, judges, policymakers, negotiators, economists, and individuals from the private sector and international organizations. The Investment Center is also active in analyzing the latest developments in the field by arranging conferences and panel discussions including a recent conference on Interim Measures in International Arbitration.

For more information please contact the ILI at training@ili.org.
The International Judicial Academy (IJA), initially founded in 1999, is now a newly added center of expertise at the International Law Institute. The IJA specializes in providing high-level training in all areas relating to a modern judiciary. Through its work, the IJA emphasizes the importance of a fair, efficient, accessible, and transparent judicial system. Recognizing that a fair and effective judiciary is only possible with skilled and knowledgeable individuals, the IJA has, to date, conducted over 160 programs for over 5,000 judges, court administrators, lawyers, and other officials to further develop the capacity to ensure the effective administration of justice throughout the whole of a country’s legal system.

The IJA was founded by James G. Apple. Dr. Apple presided over the IJA’s operations until 2017, when it was formally integrated into the International Law Institute. Prior to his work with the IJA, Dr. Apple served as a senior staff officer at the Federal Judicial Center, the U.S. federal courts’ agency for education, training, and research.

In 2019, the International Judicial Academy is offering a number of training seminars including: *The Fair and Effective Trial Judge: Methods & Techniques; Effective Prosecution of Financial Crimes, Human Trafficking, and Cybercrime; Judicial, Court, and Case Management for Judges; and Court and Case Administration for Court Administrators.*

The International Judicial Academy also publishes a quarterly online judicial magazine: *The International Judicial Monitor*. The Judicial Monitor, available at www.judicialmonitor.org, explores various developments and themes in international law, international and national court systems, and other topics of particular interest to judges, lawyers, and all those with an interest in the law.

In addition to the above, the International Judicial Academy conducts a number of custom seminars each year examining a wide array of issues relating to judges, the courts, and the effective administration of a modern, fair, and impartial judicial system. For additional information regarding custom training through the International Judicial Academy please contact the center at training@ili.org.
The International Law Institute established the International Trade Law Center (Trade Center) to help countries effectively participate in the World Trade Organization (WTO) and in Regional Trade Agreements (RTAs). More than 160 governments have signed the agreement establishing the WTO, committing to comply with a large body of rules, regulations, and procedures. RTAs, which account for an ever-increasing portion of world trade, have their own sets of complex rules.

Every country expecting to gain the benefits of WTO membership and of RTAs will be expected to comply with their obligations and implement them effectively through changes to their domestic laws, institutions, and administrative practices. Additionally, each country will need to take steps, when necessary, to ensure compliance by other countries.

The Trade Center provides advice on establishing the legal and administrative structures necessary to comply with these obligations as well as on issues relating to dispute resolution.

Through the Trade Center, the International Law Institute provides training seminars entitled *Multilateral and Regional Trade Agreements*; and *The Trade Facilitation Agreement & Other Important Customs Issues, Negotiation of Trade Agreements* in addition to customized training and technical assistance. Each program is designed with reference to the legal institutions, the level of legal development, and the specific needs and challenges of the country the program is designed to assist.

Past projects of the Trade Center include:

- Training more than 250 Chinese judges on the WTO
- Several training courses a year since 2002 in trade agreement monitoring and compliance for U.S. diplomats at the U.S. Foreign Service Institute
- Six multi-month training programs for 130 Chinese lawyers focusing on trade and commercial law
- A six-month training program focused on international economic trade law for a delegation of Vietnamese lawyers from the Ministry of Justice
- Training for a group of Rwandan judges on the WTO
- A high-level conference on the Trans-Pacific Partnership, the most recent RTA whose parties account for over forty percent of world GDP
The Private Investment in Infrastructure Center (PPP Center) of the International Law Institute provides training and technical assistance related to the policy, financial, and legal aspects of private participation in the creation and maintenance of infrastructure. Lack of infrastructure is a major impediment to economic growth in many countries. Governments that have limited resources to carry out needed infrastructure development often seek ways to obtain private sector assistance. This has lead to various forms of public-private cooperation. The design and implementation of such projects is often complicated and present myriad complexities to governments and private entities undertaking them.

The PPP Center’s seminars concentrate on topics of interest to host government officials but are also relevant for private sector lawyers, project sponsors, lenders, and contractors. The seminars provide an opportunity for participants to learn from senior practitioners in the field as well as from colleagues around the world.

The PPP Center’s annual training seminars – Public Private Partnerships and Infrastructure Finance; Public Private Partnerships and Infrastructure Finance (for Lawyers); Project Preparation, Analysis, Feasibility, and Financing; Project Finance Techniques: Applications and Recent Developments; and Public Private Partnerships Financial and Risk Analysis – emphasize issues related to the design and negotiation of concessions and other forms of public-private partnerships, as well as the financing of infrastructure development.

In addition to its formal training programs the PPP Center also provides or arranges technical assistance on matters that might arise concerning the creation or implementation of a private financing or infrastructure program. The assistance provided includes: overall strategy and policy guidance; guidance on the selection of experts; advice on negotiating strategy; and assistance in dealing with problems that might arise in the course of a particular project.

For more information please contact the ILI at training@ili.org.
In recognizing that countries need strong procurement systems and implementing institutions to enable sustainable development, the International Law Institute’s Center for Procurement Law and Policy (Procurement Center) has worked for over thirty years to provide advice and assistance to governments on the development of legal frameworks for procurement. In addition, the Procurement Center has worked to increase institutional capacity to carry out procurement functions and establish oversight institutions in accordance with international best practices.

The Procurement Center offers a variety of seminars focused on procurement and project life cycle including: International Public Procurement; Procurement for Policy Makers; International Procurement of Consulting Services; Country Procurement Systems; Procurement Audit; and Procurement Integrity: Prevention, Investigation, and Prosecution of Fraud.

The International Law Institute places strong focus on the procurement requirements of international financial institutions, particularly those of the World Bank.

Recent projects undertaken by the Procurement Center include:

- Training of the Nigerian National Assembly in effective procurement oversight
- Basic and advanced procurement training for the Nigerian Bureau of Public Procurement, Ministries, Departments, and Agencies
- Training and certification of 300 procurement officers in Honduras

In addition, the ILI has conducted country-specific training programs around the world in Afghanistan, Barbados, China, Cyprus, Egypt, Honduras, Indonesia, Iraq, Jordan, Kenya, Mauritius, Mongolia, Nigeria, Singapore, Sudan, and Vietnam.

For more information please contact the ILI at training@ili.org.
ALTERNATIVE DISPUTE RESOLUTION

International Commercial and Investor-State Mediation
April 15 – April 19 ▪ $1,995

Arbitration and Mediation
May 20 – May 31 ▪ $3,950

Foundations of Advanced Arbitration and Mediation
November 4 – November 8 ▪ $1,995

Advanced Arbitration and Mediation
November 4 – November 15 ▪ $3,950
The frameworks for International Commercial Mediation, and Investor-State Mediation are fast developing and are potentially the most effective and cost-efficient forms of dispute resolution, both in the context of cross border international commerce, and in the investor-state investment context. One part of this seminar focuses on the new developing framework for International Commercial Mediation, including the enforcement of mediated settlements under the Singapore Convention on Mediation, and also on the Investor-State Dispute Resolution framework. The second part of this seminar focuses on skills training to manage an international commercial or investor-state mediation either as a mediator, or as a party, or as an advocate assisting a party to a mediation. Through an in-depth analysis of theory and practice with the emphasis on building skills, and by conducting a simulated-mediation, participants will acquire the skills and knowledge essential to managing the International Mediation process (including a multiparty mediation), and to reaching agreement in commercial cross border and investor-state investment disputes. All those who are involved in International Commercial Mediation or Investor-State Mediation, or who may become involved, or who are interested in these important topics, will benefit from this seminar.

COURSE OUTLINE

BASIC STANDARDS FOR THE TREATMENT OF FOREIGN INVESTMENT

- Court Assistance in the context of International Commercial Mediation: conflict between treaties or laws; more favourable national legislation rule principle; how to enforce a Settlement Agreement; how courts can be involved in an International Commercial Mediation, and similarly avoiding the involvement of courts in the mediation process;
- Conciliation Proceedings under the ICSID (International Centre for Settlement of Investment Disputes) Convention;
- Mediating disputes involving a Government Entity;
- Mediation Practice in the context of International Commercial Mediation:
  - Mediation Principles and Process;
  - Mediation Skills and Techniques;
  - The Roles of the Parties to a Mediation;
  - Simulated Mediation Exercise

COURSE ADVISOR

HERNANDO OTERO is an international arbitration and mediation attorney with experience as an arbitrator, mediator and counsel record in domestic and international proceedings. He is an Alternative Dispute Resolution lecturer with the Washington College of Law (WCL) and the International Law Institute in Washington D.C. He is also a Fellow with the WCL Center on International Commercial Arbitration and the lead lecturer for its mediation course offered with JAMS. He is a peer-reviewed mediator with the District of Columbia’s Superior and Appeals Courts, a member of the roster of neutrals of the International Institute for Conflict Prevention and Resolution (CPR), and a CEDR certified mediator for Investor-State disputes. He has served as international arbitrator before the World Bank’s International Center for Settlement of Investment Disputes (ICSID) and has been appointed as an arbitrator by the International Chamber of Commerce’s (ICC) Court of Arbitration, the Bogota Chamber of Commerce Arbitration and Conciliation Center’s (CAC) Court of Arbitration and the Financial Industry Regulatory Authority (FINRA) in the United States. He has also appeared as counsel of record in proceedings under the ICSID Convention, the ICSID Additional Facility and the UNCITRAL Arbitration Rules.
This seminar familiarizes participants with alternative methods of dispute resolution (ADR). The first part of the seminar introduces participants to the goals and techniques of mediation while the second half focuses on the legal issues involved in international commercial arbitration. Emphasis is placed throughout on the development of practical skills through lectures and hands-on exercises.

**COURSE OUTLINE**

**PROS AND CONS OF INTERNATIONAL ADR**
- Conciliation, arbitration, and mediation versus litigation in domestic courts
- Arbitration between private parties and governments

**THE NEGOTIATION PROCESS**
- Approaches to negotiation: creating value vs. claiming value; structuring a deal vs. resolving a dispute
- Assessing the interests of the parties
- Opening offers
- Strategic concessions
- Why negotiations fail
- Breaking deadlock
- Negotiating a dispute resolution clause

**HOW MEDIATION WORKS: TOOLS AND PRINCIPLES**
- Mediation defined
- Why employ mediation
- Roles and attributes of a mediator
- Changing patterns of communication
- Intervention principles
- Listening and questioning skills
- Stages in mediation
- Problem identification
- Drafting agreements

**LEGAL ISSUES IN INTERNATIONAL ARBITRATION**
- National Arbitration Laws; Treaties, including the New York Convention and ICSID Convention; Choice of law
- Validity and scope arbitration agreements
- Role of the courts: judicial review and enforcement of awards; judicial assistance in the arbitration process
- Investment disputes
- Sovereign immunity

**THE ARBITRAL PROCESS**
- Designing the process: drafting the arbitration clause
- Choosing arbitration rules
- Conduct of proceedings: initiating arbitration, constituting the tribunal, establishing terms of reference, production of documentary evidence, interim relief, submitting testimony, hearings, and awards
- Arbitrator ethics and challenges to arbitrators
- Simulated international arbitration exercise

**THE ROLE OF ADVOCATE AND LITIGANT**
- Preparing for mediation
- Devising a settlement strategy
- Advocating for your client
- Guiding and managing your client during mediation

**COURSE ADVISOR**

**ANNE MARIE WHITESELL** is a Professor and Faculty Director of the Program on International Arbitration and Dispute Resolution at Georgetown University Law Center. She is also the Director of the ILI Center on Alternative Dispute Resolution. Ms. Whitesell was Secretary General of the ICC International Court of Arbitration from 2001 to 2007. She has practiced with law firms in both the United States and in France and was a lecturer at the Université de Paris I, Panthéon-Sorbonne and the Institut de Droit Comparé (Université de Paris II). She is admitted to the New York State Bar, the Bar of the District of Columbia, and to the US District Courts for the Southern and Eastern Districts of New York.
The seminar comprises the first week of the Advanced Arbitration and Mediation seminar and examines the foundations of arbitration and mediation, including advanced legal issues in international commercial arbitration. Participants will learn the principles of mediation through case studies and practical exercises. The seminar is an indispensable asset to all professionals seeking to strengthen their knowledge of ADR.

**COURSE OUTLINE**

**MEDIATION**
- Processes, Skills and Techniques
- Mediation Emphasis: mediator role and styles; determining the mediation process, opening statements of mediator and parties
- Finding resolution in mediation: uncovering interests, breaking deadlock, closure, and follow-up
- The Role of Advocate and Litigant: preparing for mediation; devising a settlement strategy; advocating for your client; guiding and advising your client during mediation

**FOUNDATIONS OF INTERNATIONAL ARBITRATION (ADVANCED) - TOPICS SELECTED FROM**
- The Arbitration Agreement: characteristics, validity, scope, applicable law, transfer, termination
- The Arbitrators: appointment, qualification, arbitrator ethics and challenges
- The Arbitration Proceedings: choosing arbitration rules, seat of the arbitration, commencing and managing proceedings, terms of reference, evidence, interim relief, hearings and awards
- Law Governing the Merits of the Dispute: choice of law, international public policy and mandatory rules of law
- Court Assistance: interim measures, appointment of arbitrators, assistance in taking evidence, judicial review
- Enforcement of Arbitral Awards

**COURSE ADVISOR**

**ANNE MARIE WHITESELL** is a Professor and Faculty Director of the Program on International Arbitration and Dispute Resolution at Georgetown University Law Center. She is also the Director of the ILI Center on Alternative Dispute Resolution. Ms. Whitesell was Secretary General of the ICC International Court of Arbitration from 2001 to 2007. She has practiced with law firms in both the United States and in France and was a lecturer at the Université de Paris I, Panthéon-Sorbonne and the Institut de Droit Comparé (Université de Paris II). She is admitted to the New York State Bar, the Bar of the District of Columbia, and to the US District Courts for the Southern and Eastern Districts of New York.
This course examines the practical applications of arbitration and mediation and discusses advanced legal issues in international commercial arbitration. The second week of the course takes critical focus on developing practical skills and knowledge through a simulated arbitration process. The course is intended for judges, lawyers, non-lawyer professionals who want to understand arbitration and mediation, as well as government officials, judicial officers, officials of judicial and legal training units, and court administrators.

COURSE OUTLINE

NEGOTIATION AND MEDIATION

- Process, Skills and Techniques
- Mediation Emphasis: mediator role and styles; determining the mediation process, opening statements by the mediator and parties
- Finding resolution in mediation: uncovering interests, breaking deadlock, closure, and follow-up
- The Role of Advocate and Litigant: preparing for mediation; devising a settlement strategy; advocating for your client; guiding and advising your client during media
- Additional comprehensive mediation exercise

INTERNATIONAL ARBITRATION (ADVANCED)

- The Arbitration Agreement: characteristics, validity, scope, applicable law, transfer, termination
- The Arbitrators: appointment, qualification, arbitrator ethics and challenges
- The Arbitration Proceedings: choosing arbitration rules, seat of the arbitration, commencing and managing proceedings, terms of reference, evidence, interim relief, hearings and awards
- Law Governing the Merits of the Dispute: choice of law, international public policy and mandatory rules of law
- Court Assistance: interim measures, appointment of arbitrators, assistance in taking evidence, judicial review
- Enforcement of Arbitral Awards
- Issues of Particular Interest: introduction to investment disputes
- Simulated Arbitration Exercise: drafting the arbitration clause, requesting arbitration/responding to request, initial conference, terms of reference, drafting statements of claim/defense, challenges to arbitrators, interim relief, witnesses, hearings, drafting an arbitral award

COURSE ADVISOR

ANNE MARIE WHITESSELL is a Professor and Faculty Director of the Program on International Arbitration and Dispute Resolution at Georgetown University Law Center. She is also the Director of the ILI Center on Alternative Dispute Resolution. Ms. Whitesell was Secretary General of the ICC International Court of Arbitration from 2001 to 2007. She has practiced with law firms in both the United States and in France and was a lecturer at the Université de Paris I, Panthéon-Sorbonne and the Institut de Droit Comparé (Université de Paris II). She is admitted to the New York State Bar, the Bar of the District of Columbia, and to the US District Courts for the Southern and Eastern Districts of New York.
FINANCE

Cross Border Insolvency: Impact and Strategies
April 22 – April 26 ▪ $1,995

Finance in International Development - Foundations
May 6 – May 10 ▪ $1,995

Finance in International Development
May 6 – May 17 ▪ $3,950

Capital Markets: Foundations of Development and Regulations
October 7 – October 11 ▪ $2,500

Capital Markets: Development and Regulation
October 7 – October 18 ▪ $4,450

Public Private Partnerships Financial and Risk Analysis
November 18 – November 22 ▪ $1,995
Inadequate cross-border insolvency policies negatively impact a country’s financial and institutional stress and security. It inhibits foreign direct investment; burdens judicial systems; leads to asset outflow; and increases recovery time of financial downturns. Comprehensive legal frameworks that target domestic and international proceedings can counteract these consequences and attract investments and minimize lending risks. This one-week seminar on advanced cross-border insolvency will compare insolvency regimes, analyze model laws, discuss domestic needs and limitations, and introduce the latest developments in the field. Through this course, participants will be able to consider current and potential reforms addressing their country’s bankruptcy policies.

CORE PRINCIPLES FOR INSOLVENCY
- Fairness; transparency; accountability
- Minimizing asset wastage
- Maximizing recoveries by creditors
- Minimizing loss of employment
- Reorganizing businesses

IMPACT OF INADEQUATE DOMESTIC AND CROSS-BORDER INSOLVENCY LAWS
- Economic Impact
- Cross-border investment
- Personal liability of officers and directors
- Off-shoring of Cash Assets
- Impact on Institutional Lending and Banking; Distress and Rescue Financing
- Judicial Efficiency
- Impact on fairness

RELATIONSHIP BETWEEN DOMESTIC AND CROSS-BORDER INSOLVENCY LAWS
- Stakeholders: Debtor; Banks; Trade Creditors; Employees; Insolvency Representative; Government
- Regulators; Judiciary; other stakeholders
- Types of Insolvency Proceedings: Liquidation; Reorganization
- Extraterritoriality

REVIEW OF CROSS-BORDER INSOLVENCY REGIMES
- UNCITRAL Model Law Provisions
- EC Regulation on Insolvency Proceedings 2015
- Other robust country-specific laws
- Comparison of advantages and disadvantages

DISCUSSIONS ON SPECIFIC PROVISIONS AND THEIR IMPACTS
- Access
- Application and commencement
- Eligibility and jurisdiction
- Commencement standards and applicable laws

TREATMENT OF ASSETS UPON COMMENCEMENT
- Assets included and excluded
- Protection and preservation of estate
- Use and disposal
- Post-commencement finance
- Treatment of contracts
- Avoidance proceedings

CONDUCT OF INSOLVENCY PROCEEDINGS: DOMESTIC AND CROSS-BORDER
- Treatment of creditor claims
- Priorities and distribution of proceeds
- Treatment of corporate groups
- Judicial procedure
- Fraud, asset tracking and recovery

COOPERATION AND COORDINATION
- Judiciaries; inter-court communications and interaction Insolvency professionals

CONCLUSION, DISCHARGE AND CLOSURE OF INSOLVENCY PROCEEDINGS

SPECIFIC ISSUES
- Forum shopping
- Recognition and Enforcement of Insolvency-Related Judgments
- Buying and selling creditors’ claims against debtor
- Third party funding of litigation cross-border insolvency of multinational enterprise groups

PROGRAM WILL BE INFUSED WITH CASE STUDIES AND UPDATES ON INTERNATIONAL BANKRUPTCY POLICIES

COURSE ADVISOR
DON DE AMICIS is an Adjunct Professor of Law at the Georgetown University Law Center, where he teaches international business transactions, and a Senior Advisor at the International Law Institute. He was previously Vice President and General Counsel of the Overseas Private Investment Corporation, the U.S. government’s development finance institution, which supports private investment through project finance and political risk insurance. Don was a partner at the international law firm Ropes & Gray, where he focused on finance, corporate law, and restructuring. He is a member of the Sanctions Committee of the Inter-American Development Bank and the Enforcement Committee of the European Bank for Reconstruction and Development, and also serves as an independent arbitrator.
This seminar comprises the first week of the “Finance in International Development” seminar and participants will be exposed to selected topics based on the Course Outline listed under the “Finance in International Development” seminar, depending on the final schedule, but topics could include:

## COURSE OUTLINE

### FINANCIAL DEVELOPMENT AND ECONOMIC GROWTH
- Overview of the research
- Developing local capital markets
- Microfinance

### CAPITAL FLOWS AND DEVELOPMENT
- Bond market development
- Ratings and rating agencies
- Country credit spreads
- Exchange rate risk and management

### PROJECT FINANCE IN PUBLIC-PRIVATE PARTNERSHIPS
- The market for project finance: Applications and sectors
- Project characteristics and risk analysis
- Designing projects and managing risk
- Financing the deal

### INNOVATIVE FINANCING MECHANISMS FOR ECONOMIC DEVELOPMENT
- Private equity
- Future-flow securitization
- Impact-investment funds
- Diaspora remittances

### NEGOTIATIONS
- Negotiating techniques
- Negotiating with international donor organizations
- Debt restructuring
- Role of outside advisors

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**COURSE ADVISOR**

**Reid Click** is an Associate Professor of International Business and International Affairs at the George Washington University in Washington D.C. He received his Ph.D. in economics and international business from the University of Chicago Booth School of Business. Prof. Click teaches courses in international financial management and international macroeconomics. His academic research has been published in leading journals, and he has been a consultant for several international organizations.
This seminar focuses on the fundamentals, recent developments, current important issues and trends in the body of knowledge intersecting finance and development. This seminar is designed to unlock and access commercial finance for development goals. The objective of the seminar is to assist policy makers and practitioners from emerging economies to develop skills and better understand the financial elements of development initiatives through analysis and applications.

**COURSE OUTLINE**

**FINANCIAL DEVELOPMENT AND ECONOMIC GROWTH**
- Overview of the research
- Developing local capital markets
- Microfinance

**CAPITAL FLOWS AND DEVELOPMENT**
- Bond market development
- Ratings and rating agencies
- Country credit spreads
- Exchange rate risk and management

**PROJECT FINANCE IN PUBLIC-PRIVATE PARTNERSHIPS**
- The market for project finance: Applications and sectors
- Project characteristics and risk analysis
- Designing projects and managing risk
- Financing the deal

**INNOVATIVE FINANCING MECHANISMS FOR ECONOMIC DEVELOPMENT**
- Private equity
- Future-flow securitization
- Impact-investment funds
- Diaspora remittances

**NEGOTIATIONS**
- Negotiating techniques
- Negotiating with international donor organizations
- Debt restructuring
- Role of outside advisors

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This course highlights the foundational issues in respect to the development and regulation of capital and securities markets, and comprises the first week of the Capital Markets: Development and Regulation seminar. The Foundations seminar also includes the field trip to New York where typical capital markets institutions are visited.

Participants will be exposed to selected topics based on the Course Outline listed under the “Capital Markets: Development and Regulation” seminar, depending on the final schedule, but topics could include:

**COURSE OUTLINE**

**LEGAL, REGULATORY AND INSTITUTIONAL FRAMEWORK**
- Institutional structure related to market’s needs
- Government regulation: securities laws, securities exchange commissions, central banks, ministries of finance
- Stock exchanges: rules and regulations, self or external regulation, membership and listing standards
- Corporate governance
- Transparency
- Prospectuses

**DEVELOPMENT OF CAPITAL MARKETS**
- Policy issues affecting development of capital markets
- Managing risks and responding to crises in Capital Markets
- Capital markets and housing finance

**ROLE OF PARTICIPANTS IN CAPITAL MARKETS**
- Regulators, financial institutions, accountants/auditors, government
- Issuers of securities in capital markets
- Investors in capital markets: individuals and institutional players
- Professionals: brokers, dealers, underwriters
- Financial intermediaries: commercial banks, merchant banks, mutual funds, hedge funds, insurance companies, pension funds
- Initial public offerings (IPOs)

**TYPICAL FIELD TRIPS (BASED ON AVAILABILITY)**
New York Stock Exchange; Nasdaq; U.S. Securities and Exchange Commission, U.S. Federal Reserve Bank in New York; a ratings agency, such as Standard and Poors; The Depository Trust and Clearing Corporation

**COURSE ADVISOR**

**PAUL FREEDMAN** is Counsel at the AES Corporation, a global energy company. Mr. Freedman was previously Chief Counsel for Credit Programs at the U.S. Agency for International Development (USAID) and has substantial government and private sector experience in capital markets transactions in developed countries and emerging markets. He worked on the first non-sovereign bond offerings in several developing countries, and he played a leading role in the structuring and negotiation of USAID’s partial credit guarantees for bond offerings and bank loans in over 40 developing countries.
This course highlights the major issues and procedures relating to the development and regulation of capital and securities markets in developing economies. Participants will discuss the major building blocks of an effective capital market and the policy environment needed to help its development. The course also includes issues related to the growing interaction of emerging markets with developed capital markets.

COURSE OUTLINE

LEGAL, REGULATORY AND INSTITUTIONAL FRAMEWORK
- Institutional structure related to market’s needs
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Financial assessments of proposed projects have become necessary for countries considering PPPs for infrastructure projects. These assessments are essential to attracting private investors. This is particularly important for countries with substantial needs in infrastructure rehabilitation and expansion. The workshop primarily focuses on two financial models: graphical and numerical, which have proven quite successful for preliminary financial evaluations when detailed data and financial arrangements are not yet fully defined.

This seminar provides a review of essential concepts and available toolkits, case studies, hands-on conceptual and numerical exercises, attendees of the ILI course on Financial and Risk Analysis of projects will deepen their understanding on the key principles behind PPPs (also known as P3s), alternative delivery methods, financial and risk assessments, and the role they can play in improving service quality, addressing O&M challenges, and delivering essential infrastructure (e.g. transport, energy, water, wastewater, building) projects.

Workshop participants are encouraged to obtain, prior to the workshop, basic data available on an existing or proposed PPP project of their interest. If this is not feasible, pro forma data will be provided at the seminar.

**COURSE OUTLINE**

**FINANCIAL ASSESSMENTS OF PPP PROJECTS**
- Toolkit's Graphical and Numerical models
- Exercise to assess viability of project
- Team presentation

**OVERVIEW OF PPP OPTIONS AND STRATEGIES**
- Brief history
- Key success factors
- Applications to different forms of infrastructure (e.g., transport, energy, security, health and education)
- Main stakeholders and their interaction

**POLICY AND PLANNING**
- Planning, objectives and PPP policy framework
- Laws and Contracts - Legal, legislative and contract bases for PPP

**IMPLEMENTATION AND MONITORING**
- Stages in PPP development from project identification to contract management

**COURSE ADVISOR**

**CESAR QUEIROZ** is an international consultant on roads and transport infrastructure. His main expertise is in public-private partnerships and road management and development. Between 1986 and 2006, he held several senior positions with the World Bank, including as Principal Highway Engineer and Highways Advisor. Prior to joining the World Bank, Cesar was the deputy director of the Brazilian Road Research Institute in Rio de Janeiro. He holds a Ph.D. in civil engineering from the University of Texas at Austin; a M.Sc. in production engineering; and a B.Sc. in civil engineering. Cesar has published two books and more than 130 papers and articles. His recent assignments include infrastructure advisory services to over 18 countries. He is currently a visiting professor at the University of Belgrade, Serbia, and has lectured on PPP at George Washington University since 1996, and at the International Law Institute since 2007.
LAW AND THE JUDICIARY

The Fair and Effective Trial Judge: Methods and Techniques
    July 29 – August 2  •  $1,995

Judicial, Court, and Case Management for Judges
    July 29 – August 9  •  $3,950

Court and Case Administration for Court Administrators
    July 29 – August 9  •  $3,950

Effective Prosecution of Financial Crimes, Human Trafficking, and Cybercrime
    August 5 – August 9  •  $1,995
Countries and legal systems may vary, but the qualities of a fair and effective trial judge remain consistent. During this one-week seminar, participants will explore a variety of methods and techniques employed by judges to ensure they operate at their best throughout their careers. In addition to lectures and in-class discussion, participants will visit, when appropriate, local federal and state courts and legal institutions to further their understanding of this complex topic.

Oftentimes, an understanding of concepts like “fair” and “effective” is seen as subjective, with practice focused on achieving these ideals in a judicial context varying from culture to culture. However, Mr. Apple believes consistent modes of operation and a robust code of ethics can uniformly reflect these ideals in everyday practice.

Mr. Apple points out, “Citizens want judges who are not affiliated with or biased in favor of one party in a case. They want to know that the judge has not received bribes, and will carefully listen to the evidence and decide the case according to law and legal principles. These are part of the characteristics that characterize a fair judge. An effective judge is one who is fair, who treats litigants with respect, who listens carefully to the evidence and who explains his or her decision in understandable language.”

Independent of country and legal system, there are essential functions of a judge that must ring true in every judiciary to be considered as such. Given this truth, Mr. Apple created modules containing lists of subjects that identify these functions to share at the ILI’s International Judicial Academy.

Mr. Apple notes, “For instance, all judges need to make judgements and write opinions; all judges need the guidance of a code of judicial ethics; all judges have to organize their chambers for maximum efficiency, etc. And those subjects are what the Academy emphasized in its training courses.”

Mr. Apple believes that judges and court officers who attend will not only gain a greater appreciation for a legal system and court system in the proper functioning of their government but understand the full weight of judges in shaping how a particular country is viewed outside of its borders. “Foreign investors are very interested in whether a country has a fair and efficient court system staffed by well-educated judges.”

The course will combine lectures on important subjects relating to the purpose of the course, and site visits to allow participants to observe trials and hear from judicial and court officials in their own environment about their work.

**COURSE OUTLINE**

- The role of impartiality in justice
- A judicial perspective on court and case management
- Managing relationships between judges, lawyers, law enforcement, and administrative staff
- The delicate relationship between the courts, the media, and the public
- Effective communication strategies including courtroom management and drafting decisions
- Managing procedure both in and out of the courtroom
- Mitigating and managing potential conflicts of interest
- Judicial and legal ethics and the role of the judge in legal discipline
Judges and other Judicial Officers face increasingly complex challenges in managing and adjudicating cases. This seminar focuses on the principles and techniques for the development and management of a modern, efficient, fair and transparent court system and judicial proceedings, from a judge’s perspective. References will be made to the experience of judges in the United States as a basis for discussion. The seminar will include presentations on the judge’s role in court and case management for the efficient adjudication of cases, as well as site visits to local federal and state courts and court support institutions. Selected sessions and site visits will be combined with the “Court and Case Administration for Court Administrators” seminar which will be conducted concurrently with this seminar.

### COURSE OUTLINE

#### BASIC CONCEPTS AND PRINCIPLES

(PRESENTED CONCURRENTLY WITH COURT ADMINISTRATION SEMINAR)

- Overview of the United States legal system and its component state court systems
- The role of an independent judiciary in trial and appellate courts
- Court structures
- Fundamental principles of judicial management and court administration

#### GENERAL ISSUES OF JUDICIAL MANAGEMENT

- Securing the independence of the judiciary through administration
- Judicial leadership
- The role of the judge as manager
- Judicial integrity: ethics and codes of conduct for judges

#### SPECIFIC ISSUES OF JUDICIAL MANAGEMENT

- Court governance
- Budget and finance
- Judicial education
- Strategic and long-range planning

#### CASE MANAGEMENT (PRESENTED CONCURRENTLY WITH COURT ADMINISTRATION SEMINAR)

- Case management principles and practices
- Evaluation of court procedures and case processing
- Developing and implementing a case management plan
- Establishing a case management system
- Technology for case management
- An efficient clerk’s office: filing and other systems
Court Administrators, Clerks of the Court and other Court Administrative Officials have to contend with constant changes and increasing complexity in the Court Administration environment. This seminar focuses on the principles and techniques for the development and administration of a modern, efficient, fair and transparent court system, from a court administrator’s perspective. References will be made to the experience of court administrators in the United States as a basis for discussion. The seminar will include presentations on case and document management for the efficient processing of cases through the courts, as well as site visits to local federal and state courts and court support institutions. Selected sessions and site visits will be combined with the “Judicial, Court and Case Management for Judges” seminar which will be conducted concurrently with this seminar.

**BASIC CONCEPTS AND PRINCIPLES**

(PRESENTED CONCURRENTLY WITH JUDICIAL SEMINAR)

- Overview of the United States legal system and its component state court systems
- The role of an independent judiciary in trial and appellate courts
- Court structures
- Fundamental principles of judicial management and court administration

**SPECIFIC ISSUES OF JUDICIAL MANAGEMENT**

- Budget and finance
- Space and facilities
- Legislative and public affairs statistics
- Court staff training
- Strategic and long-range planning

**GENERAL ISSUES OF JUDICIAL AND COURT ADMINISTRATION**

- Court administration at the national level, regional and local level
- Non-judicial court management
- Court staff integrity: ethics and codes of conduct for court managers

**CASE MANAGEMENT (PRESENTED CONCURRENTLY WITH JUDICIAL SEMINAR)**

- Case management principles and practices
- Evaluation of court procedures and case processing
- Developing and implementing a case management plan
- Establishing a case management system
- Technology for case management
- An efficient clerk’s office: filing and other systems
Prosecuting financial crimes, human trafficking, and cybercrimes often involves bringing together multiple people, often across many departments (and multiple jurisdictions), which can pose a variety of challenges. The covered material will be of interest to prosecutors, criminal justice personnel, judges, attorneys, and academics, specifically in developing economies where these crimes are emerging or may pose a particular threat. Drawing from the U.S. prosecutorial experience, this seminar will integrate the selected topics through class discussion. Participants will engage in in-depth study of each crime through discussion while developing their skills. More generally, the seminar will focus on the investigation, preparation, prosecution and required professional and technical skills in the context of these crimes.

Additionally, the seminar covers the institutional arrangements, such as working with the police, judges, and other relevant institutions and agencies at national and transnational levels. Moreover, the relevant legislation and recommended means of implementation and lessons learned will be discussed in the seminar.

COURSE OUTLINE

FINANCIAL CRIMES (FRAUD, BRIBERY, CORRUPTION, AND MONEY LAUNDERING)
- Current Policy and Legislation
- Global Money Laundering
- Types and Dimensions of Fraud
- The OECD, Anti-Corruption and Anti-Bribery Efforts
- Combating Cross-Border Financial Crimes

HUMAN TRAFFICKING
- Defining and Understanding Human Trafficking
- Victims and Survivors
- The Human Rights Dimension
- Combating Human Trafficking Regionally and Globally

CYBERCRIME
- Defining Cyber Crime and Understanding the Systems Involved
- Hacking: Privacy, Integrity, Accessibility, and Application
- Bots, Malware, Spam, Identity Theft and Other Vulnerabilities and Exploits
- The Client/Server Model: Peer-to-Peer, Gigatribe, Darknets and BitTorents
- Cloud Computing
LEADERSHIP AND MANAGEMENT

Leadership and Management in International Development
March 18 – March 22; August 19 – August 23 • $1,995

Negotiations in International Development
March 25 – March 29; August 26 – August 30 • $1,995

COMBINED: Leadership, Management, and Negotiations in International Development
March 18 – March 29; August 19 – August 30 • $3,950

Women in Leadership and International Development
August 19 – August 23 • $1,995
This course empowers participants to become effective leaders and managers in the international development context. International development work involves multi-stakeholder cooperation and delivery in challenging environments. We designed this course to target governments from developing countries as well as practitioners in the international development community. The course tailors leadership and management training as it pertains to the public service sector and public sector reform. The skill set that needs to be developed includes leadership and decision-making, organizational management, human capital development, navigating through political waters, and effective communications. The case studies are designed to address key issues in international development.

**COURSE OUTLINE**

**LEADING TEAMS AND ORGANIZATIONS**
- Developing personal leadership competencies: self awareness; courage; vision; strategic and analytical thinking; learning agility; decisiveness; energy; results driven; credibility; influence; communication
- Planning for and achieving team and organizational results
- Building and maintaining relationships
- Recognizing human potential and delegating appropriately
- Building diversity
- Fostering innovation
- Handling risks, changes, complications and conflicts
- Cultural adaptation

**MANAGING TEAMS AND ORGANIZATIONS**

Team and organizational management skills in respect to change, communication, conflict, constraint, crisis, decision, finances, human resources, information, operations, perception, performance, process, projects and programs, quality, resources, risk, skills, and strategy.

**LEADERSHIP AND MANAGEMENT IN INTERNATIONAL DEVELOPMENT WORK**
- Meeting donor and other key stakeholder requirements
- Building strong relationships with strategic partners
- Executing in challenging political environments
- Working with limited resources
- Institutionalizing open and participatory communication channels

**COURSE ADVISORS**

**KIM PHAN** is the Executive Director of the International Law Institute, where she oversees all of ILI’s practice areas. Ms. Phan also serves as the Project Director of all ILI projects with various donors and has worked on projects in over 30 countries. Prior to joining ILI, she worked at the U.S. Embassy in Manila/Office of the U.S. Commercial Liaison to the Asian Development Bank where she served as the United States – Asia Environmental Partnership Liaison to the Asian Development Bank. She has a Masters in the Study of Law from Northwestern University Law School and a B.A. from Allegheny College with a focus in Nuclear Warfare Strategy. She teaches a course at the University of California at Irvine Law School. Ms. Phan is the immediate past President of the Board of the Friends of the Law Library of Congress.
This highly interactive seminar focuses on the development of effective negotiation skills, styles, and strategies, with special emphasis on multilateral negotiation with and within international organizations and companies. Through in-depth analysis of theory and practice with exercises and simulated negotiations, participants will gain the necessary skills to become confident negotiators, overcome impasse in the negotiation process, and utilize strategic tactics to further their own positions and interests. Officials and practitioners from developing countries, who have been confronted by the challenges of negotiating with their domestic and international counterparts as well as international development institutions, would find this seminar highly beneficial.

**COURSE OUTLINE**

- Negotiation and conflict styles
- Approaches to negotiation
- Preparing for negotiation
- Process and key stages of negotiation
- Analyzing positions, interests, options, and more
- Techniques and skills
- Exploring power and cultural dynamics
- Overcoming impasse
- Dealing with difficult negotiators
- Multilateral negotiation in international organizations and companies

**COURSE ADVISOR**

**GERHARD BOTHA** is Director of Programs at ILI. Previously, he worked for the World Bank as a senior sector specialist in legal and judicial reform and private and financial sector development. Mr. Botha specialized in labour/employment law and relations, conflict resolution and negotiations, both in private practice and within a large corporate environment in Southern Africa. He has over 25 years experience in legal and labour relations practice, and in international development. Mr. Botha holds B.A. and LL.B degrees from the University of Stellenbosch in South Africa, an LL.M in Labour Law, from the University of South Africa and an LL.M focusing on labour/employment law and Alternate Dispute Resolution, from The George Washington University Law School in Washington DC.
This seminar offers an exciting opportunity for personal and professional development, and consists of a combination of two courses: Leadership and Management in International Development; and Negotiations in International Development. Participants in this course will receive two certificates indicating completion of each seminar. To see descriptions of the topical areas covered, please refer to the two descriptions above or in the ILI Brochure. In addition, the participants who enroll in this two week combination seminar will have more opportunities to network and can take part in the optional weekend sightseeing tour of Washington offered to participants who attend seminars lasting two weeks or longer at the ILI.

COURSE OUTLINE

**LEADERSHIP AND MANAGEMENT IN INTERNATIONAL DEVELOPMENT**
Outline available on page 37 of this booklet.

**NEGOTIATIONS IN INTERNATIONAL DEVELOPMENT**
Outline available on page 38 of this booklet.

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All over the world, talented, ambitious women are being held back from achieving their potential at the top of organizations by a range of cultural, social, educational, and emotional barriers. The ILI Women’s Leadership Program has been designed to equip women with the career strategies and self-awareness that allow them to reach the highest levels within their organization. After attendance at the seminar, participants should leave with greater self-knowledge and greater confidence in their own abilities and leadership style. The seminar will equip participants to diagnose workplace situations, also to master powerful communication tactics, and to set a path for professional success.

The course will address the following questions: How can organizations innovate or solve complex problems if their leaders are all pressed from the same mold? How can they respond to the needs of their customers if they have no insight into half of the people who make up that customer base? How can we possibly hope to build a better world for everyone without drawing on everyone’s skills and experiences? Progressive governments and organizations have introduced well-meaning policies, but change is occurring at a slow speed. As with all complex problems, it’s going to take a range of approaches to address it.

As someone considering this program, you will have experience and will be responsible for leading others and making important decisions. As a middle-senior manager or executive, you may be moving through the organization or welcome an opportunity to re-examine your leadership reach. On this program you will be part of an international peer-group of participants working in a wide range of sectors from many regions across the world.

**COURSE OUTLINE**

**KEY TOPICS**

- Leadership—aligning your leadership strategy and style with your own personal values and self-image
- Innovation—identifying opportunities for new or enhanced products, services, and business models, while supporting entrepreneurial initiatives
- Communication—capturing maximum value through skillful and effective communication
- Service Management—helping your organization enhance service and differentiate on service excellence
- Change—leading organizational change and creating an environment that inspires and sustains results-focused change
- Values—implementing ethical communication and decision-making strategies across all levels of the organization

**KEY TAKEAWAYS**

- Understand how gender shapes the way power and leadership are experienced
- Be able to diagnose situations to select appropriate individual leadership styles
- Master successful communication tactics—how to leverage influence and achieve win-win agreements
- Learn tactics for building effective, supportive professional networks
- Acquire new tools to achieve balance and cultivate personal fulfillment
- Analyze a current personal career challenge to develop problem-solving skills for immediate application

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LEGISLATIVE

Advanced Legislative Drafting
March 11 – March 22; July 15 – July 26  •  $3,950

Legislative Strategic Management
September 23 – October 4  •  $3,950

Workshop on Legislative Drafting
October 7 – October 18  •  $3,950
This course offers an intensive experience in drafting legislation. The course assists participants in mastering legislative provisions that pose special challenges to legislative drafters. Participants will draft all language necessary to develop and amend a simple bill as it would move through the legislative process and will also organize and draft a long, complex bill involving the reorganization of government bodies. Some prior experience in legislative drafting or legislation is helpful.

COURSE OUTLINE

DRAFTING A SIMPLE BILL
- Learning to convert a legislative proposal into a bill for introduction in a legislative chamber

DRAFTING AMENDMENTS TO BILLS AND LAWS
- Committee “markup” amendments
- “Floor” (whole House) amendments
- Amendments to existing law

INSTRUCTION ON SPECIALIZED LEGISLATIVE PROCESSES
- Working with legislative committees
- Budget and appropriations rules and problems
- Participating in a mock committee markup session

DRAFTING A GOVERNMENT GRANT PROGRAM
- Instruction in selection and drafting of legislative language authorizing grants

DRAFTING GOVERNMENT REORGANIZATION
- Establishing a Government Agency
- Abolishing a Government Agency
- Consolidating Government Agencies
- Savings (“grandfather”) clauses
- Transition provisions
- Repeals

DRAFTING A COMPLEX BILL
- Organization of Legislative Provisions
- Close Supervision and Review of Drafting Work

COURSE ADVISOR

ARTHUR J. RYNEARSON served as the Deputy Legislative Counsel of the United States Senate from 1999 to 2003. For more than 26 years, he was an attorney-drafter in the Office of the Legislative Counsel, United States Senate, where he drafted thousands of bills, resolutions, and amendments. He has 20 years experience teaching legislative drafting and legislation to foreign parliamentarians, attorneys, and law students. He also served as a legislative researcher for the Congressional Research Service of the Library of Congress. He is a graduate of the Cornell University Law School, where he specialized in international legal affairs, and a Phi Beta Kappa graduate of Hamilton College, where he majored in Government. Mr. Rynearson is also the author of Legislative Drafting Step-by-Step (Carolina Academic Press-ILI, 2013), a user-friendly guide to drafting legislation.
This seminar focuses on skills necessary to sustain a modern legislature. Elected officials and legislative staff at the National, State, and International level are ideal candidates for this seminar. Legislatures work under constant pressure to enact laws and review national policies efficiently and effectively in an ever-changing and complex environment. Working in this environment requires close attention to how the process is managed and how the institutions function. The focus of this seminar will be organizational structure and practical techniques for managing legislative institutions. Considering the ILI's location in Washington, DC, references and site visits will be made to the U.S. Congress and a State Assembly.

COURSE OUTLINE

ROLE OF LEGISLATIVE STAFF
- The relationship between career and political staff appointments
- Effective allocation of staff to support member offices, committees, leadership and administrative services

LEGISLATIVE ORGANIZATION
- Comparative analysis of legislative and parliamentary models
- Review of unicameral and bicameral structures
- How to work with leadership offices and through committees
- How can the legislative branch have a more productive relationship with the executive branch?

LEGISLATIVE SUPPORT OFFICES
- Budgeting, staffing and training
- Determining what legislative support offices are appropriate for a specific country or state; e.g. research, legislative drafting, committees, administration and members’ offices

SITE VISITS
- United States Congress
- Library of Congress
- State legislatures in Washington, DC area

COURSE ADVISOR

H. STEPHEN HALLOWAY is the Director of ILI’s Center for Comparative Legislative Management. He has over 35 years of experience in senior legal and policy positions in the U.S. Government, the U.S. Senate, the United Nations and the Inter-American Development Bank. He was Chief Regulatory Officer for the U.S. Department of Commerce and a civil rights attorney in the U.S. Department of Justice. He is co-founder of the Multilateral Procurement Group, an informal steering committee of multinational companies and consultants regularly doing business with the MDBs and UN.
This seminar stresses learning by doing. Participants will convert specific legislative proposals into the drafting of bills. Instruction will include the basics in drafting common statutory provisions. The United States legislative process will be introduced as a case study.

**COURSE OUTLINE**

**LEGISLATIVE DRAFTING PRINCIPLES AND ANALYSIS**
- Applying legislative drafting principles and analysis to proposals for new legislation

**ELEMENTS OF LEGISLATIVE DRAFTING: RULES AND EXERCISES**
- Achieving the intended legal effect
- Drafting clear legislative sentences
- Structuring and organizing bills and other legislation
- Drafting amendments, repeals, and superseding language to existing law

**HANDS-ON DRAFTING OF LEGISLATION**
- Drafting bills from specific legislative proposal

**DRAFTING COMMON LEGISLATIVE PROVISIONS**
- Enforcement provisions
- “Power of the purse” funding provisions
- Grant programs
- Governmental commissions

**LEGISLATIVE PROCESS**
- Development of legislative policy
- Comparison of U.S. and foreign legislative processes
- Implementation of trade agreements through domestic legislation
- Role of legislative committees in developing legislation
- Role of professional legislative services and other legislative support services
- Statutory Interpretation

**COURSE ADVISOR**

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PROCUREMENT

International Public Procurement
February 25 – March 15; September 2 – September 20 ▪ $5,950

Procurement for Policy Makers
February 25 – March 1 ▪ $1,995

International Procurement of Consulting Services
April 15 – April 26 ▪ $3,950

Country Procurement Systems
September 3 – September 13 ▪ $3,950

Procurement Audit
November 18 – November 22 ▪ $1,995

Procurement Integrity: Prevention, Investigation, and Prosecution of Fraud
December 9 – December 13 ▪ $1,995
The International Procurement program covers the institutional, legal, financial and procedural issues involved in the procurement of goods and services by public entities and discusses reform programs to improve transparency, efficiency and accountability. It provides participants with a detailed analysis of the project-procurement cycle including a full presentation of the procurement policies of international financial institutions (IFI) such as the World Bank, and comprehensive coverage of the open tender system. The seminar incorporates the recent developments in procurement policy undertaken by the World Bank, African Development Bank and other regional multilateral financial institutions.

COURSE OUTLINE

PUBLIC PROCUREMENT REFORMS
- Reform programs and approaches to enhance transparency, efficiency, integrity and accountability

NATIONAL PROCUREMENT LAWS AND INSTITUTIONS
- Differing approaches under common law and civil code systems
- UNCITRAL model law
- Transparency and accountability; ethics and corruption

INTERNATIONAL PROCUREMENT
- Policies and procedures of international financial institutions such as the World Bank, AfDB, ADB, IDB, etc.

PROCUREMENT PLANNING
- Role and objectives
- Policy and institutional aspects
- Project cycle: procurement issues
- Procurement process under goods, works and PPP
- Budgeting, budget utilization and monitoring

SELECTION OF CONSULTANTS
- Procedures of IFIs
- Terms of reference, evaluation of proposals
- Contracts: lump sum, time-based

INTERNATIONAL COMPETITIVE BIDDING (ICB)
- Objectives, principles, and key features
- The bid package: preparation and scheduling
- Bid advertising and prequalification
- Preparation of bidding documents
- Bid examination, evaluation, and award

OTHER METHODS OF PROCUREMENT
- Limited/restrictive international bidding, national competitive bidding
- Direct purchase, shopping
- Internet bidding, electronic procurement
- Green Procurement
- Versatile and adaptive procurement

CONTRACT ADMINISTRATION
- Principal types of contracts, terms, and guarantees
- Negotiation techniques
- Dispute avoidance and resolution
- Oversight and monitoring
- Performance-Based Contracting

COURSE ADVISOR

BERNARD BECQ is the World Bank’s former Chief Procurement Policy Officer, Head of the Procurement Policy and Services Sectors Board. Today Dr. Becq works as an independent consultant with more than 35 years of experience. Dr. Becq’s experience includes working with French development agencies, in particular, he was the Deputy Chief of the International Consulting Firm of ENPC, and Project Officer and Adviser to the President at Agence Coopération et Aménagement (ACA). Dr. Becq holds graduate degrees in Mathematics from Paris VI University and in civil engineering from ENTPE in Paris, France, and a Master degree in Urban and Regional Planning from the University of Southern California (USC), in Los Angeles, USA, where he also completed post graduate work (PhD ABD).
This course is designed for policy makers, legislators, senior officials who have an oversight role in procurement for their respective institutions. Participants will gain insight on procurement reform, and why the need for reform, international standards of procurement, the roles of the executive, judiciary, and legislature in procurement, and the tools for oversight of procurement. Participants will also get a basic overview of procurement and will participate in sessions with the International Public Procurement course. *Please note that this course is designed for those who have a policy or oversight responsibility of procurement.

COURSE OUTLINE

**PUBLIC PROCUREMENT REFORMS**
- Reform programs and approaches to enhance transparency, efficiency, integrity and accountability

**NATIONAL PROCUREMENT LAWS AND INTERNATIONAL STANDARDS**
- Differing approaches under common law and civil code systems
- UNCITRAL model law
- Transparency and accountability, ethics, and corruption
- Procurement as a policy tool to stimulate growth

**ROLE OF GOVERNMENT IN PROCUREMENT**
- Executive
- Legislative
- Judiciary

**OVERSIGHT TOOLS**
- Procurement audits
- The role of a Government Accountability Office
- Civil Society
- Sanctions

COURSE ADVISORS

**ALLAN V. BURMAN** is President of Jefferson Solutions. He advises firms, Congressional committees, federal and state agencies and international bodies on acquisition matters. Dr. Burman was the longest serving Administrator of the Office of Federal Procurement Policy, serving under 4 U.S. Presidents. He has testified before Congress over forty times. Dr. Burman holds a PhD from George Washington University, and a master’s degree from Harvard University.

**KIM PHAN** is the Executive Director of the International Law Institute, where she oversees all of ILI’s practice areas. Ms. Phan also serves as the Project Director of all ILI projects with various donors and has worked on projects in over 30 countries. Prior to joining ILI, she worked at the U.S. Embassy in Manila/Office of the U.S. Commercial Liaison to the Asian Development Bank where she served as the United States – Asia Environmental Partnership Liaison to the Asian Development Bank. She has a Masters in the Study of Law from Northwestern University Law School and a B.A. from Allegheny College with a focus in Nuclear Warfare Strategy. She teaches a course at the University of California at Irvine Law School. Ms. Phan is the immediate past President of the Board of the Friends of the Law Library of Congress.
This course provides hands-on training in the selection procedures, contractual issues, and negotiation techniques for hiring and supervising consultants and other providers of technical services for projects funded by the World Bank and other financial institutions. The course will also address the broader topic of policy and legal issues related to the hiring of intellectual and technical services: professional liability and conflicts of interest; provisions in the World Bank’s new Procurement Framework and UNCITRAL model law; practices advocated by FIDIC and other professional associations, and practices followed in developed countries.

**OVERVIEW OF PROCUREMENT OF CONSULTING SERVICES**
- New World Bank Procurement Framework
- Consulting services distinguished from goods, works and technical services
- Historical development and evolved practices
- Risks in procurement
- Special features in hiring consultants: cost as a selection factor, burden of professional liability, intellectual property issues, conflicts of interest
- Electronic government procurement (e-GP)

**TYPICAL CONSULTING CONTRACTS**
- Lump-sum, time-based, indefinite delivery, and percentage contracts
- Important contract provisions: payments, liabilities, conflicts of interest, and intellectual property matters

**HIRING OF CONSULTANTS IN IFL-FUNDED PROJECTS**
- Harmonization of the Guidelines for the Selection of Consultants of the World Bank and Other IFIs
- Selection procedures
- Terms of reference, requests for proposal
- Choice of contract
- Evaluation of proposals
- Contract negotiations
- Contract management
- Contracting Consulting Services under UNCITRAL, U.S. Government Regulations, and Other Public Agencies Including Performance Based Acquisition
- Resolution of complaints
- Fraud and corruption

**HANDS-ON EXERCISE: PREPARATION OF TORS, RFPS, EVALUATION REPORTS**

**SABINE ENGELHARD** is a lawyer specialized in procurement whose career focus has been in international development, capacity building and governance-related issues. She held various senior positions at the Inter-American Development Bank (IDB). She also worked at the World Bank, with a prominent international law firm, and headed the Washington office of an international consulting firm. Sabine has been involved in high-profile initiatives with the World Trade Organization (WTO) and the Organisation for Economic Cooperation and Development (OECD), to strengthen country procurement governance. Today Ms. Engelhard consults for different international organizations. She is an independent expert with the United Nations (UN) Award-Review Board, advising on procurement challenges resolution. She is a course advisor and a lecturer at the International Law Institute (ILI) in Washington DC, and lectures in the Procurement Master’s Program of the International Training Center of the International Labour Organization (ITC/ILO) in Turin, Italy. She holds master-level and post-graduate degrees in Law, International Relations, and European Studies.
This seminar is designed to introduce participants to the strategies, approaches and tools for developing effective country public procurement systems. It highlights the essential aspects of a well-designed country procurement system covering legal, institutional, operational, professional, and transparency aspects. It approaches the public procurement system of a country as part of its governance framework, looking at transparency and accountability within policies, legislation and regulations. Recently, the World Bank, African Development Bank, as well as other regional development banks have changed their procurement policies and regulations. Such developments are testimony to the increasing reliance on the use of a country’s own institutions and systems. Utilizing a country’s own procurement system strengthens its capacity to sustainably define, execute and account for its policies.

**OVERVIEW OF PUBLIC PROCUREMENT REFORM AND COUNTRY PROCUREMENT SYSTEMS**
- Role and importance of public procurement in governance
- Examination of trends in public procurement reform and implementing strategies
- Assessing public procurement systems: Methodology for the Assessment of Procurement Systems (MAPS)
- Risks in procurement and accountability, procurement audits
- Mobilizing financial and other resources to strengthen procurement systems

**LEGISLATIVE AND REGULATORY FRAMEWORK**
- Main components of legal and regulatory framework for a public procurement system
- UNCITRAL Public Procurement Model Law
- Anti-corruption, integrity and ethics
- Sustainable procurement and socio-economic considerations
- Trade and economic integration agreements in public procurement

**INSTITUTIONAL, OPERATIONAL AND ORGANIZATIONAL RESOURCES**
- Main institutional, operational and organizational issues in a public procurement system
- Designing a central policy office for a public procurement system
- Informational systems and management
- Financial control and audit in public procurement systems
- Collection and reporting of data on procurement activities

**PROFESSIONAL PROCUREMENT WORKFORCE**
- Main features of a professional workforce for a public procurement system
- Development of a code of ethics
- Establishing performance incentives and performance reviews
- Designing and institutionalizing public procurement curricula and training

**INTRODUCING NEW PROCUREMENT POLICIES AND PRACTICES**
- Strategy for implementing e-procurement
- Innovative procurement methods, framework agreements and e-Reverse Auctions

**COURSE OUTLINE**

**SABINE ENGELHARD** (see bio on page 48)
**BERNARD BEQ** (see bio on page 46)
This course contributes to strengthening the effectiveness of the procurement audit and supervision functions in national and IFIs-financed procurement activities. It is designed to familiarize participants with the procurement audit process. It covers the entire process, from setting procurement audit objectives in compliance with the organization’s mandate, up to preparing a procurement audit report with appropriate recommendations and following-up on such recommendations. The course focuses on compliance as well as performance aspects, all with a view to achieving value for money. The course will also touch on procurement fraud prevention and provide an overview of the United Nations Convention against Corruption and the OECD Convention on Combatting Bribery of Foreign Public Officials.

The participants will work on case studies to identify risks and build their skills to plan and execute procurement audits.

**COURSE OUTLINE**

**CONTEXT**
- Introduction to procurement audit
- Analysis of the audited entity’s context
- Understanding the mandate and mission of the entity to be audited, its internal controls system, procurement planning, approval and execution process
- Responsibility matrix for the procurement function, delegation of authority and internal control functions

**RISKS, AUDIT OBJECTIVES, SCOPE, AND PLANNING**
- Assessment of risks including potential fraud and corruption at each step of the procurement process
- Development of the procurement audit objectives and scope
- Development of the procurement audit plan and selection of sample of procurement contracts to be audited

**EXECUTION OF PROCUREMENT AUDIT OPERATIONS AND FOLLOW-UP**
- Methods for collecting and analyzing evidence, preparation of the Procurement Audit Report
- Verifying compliance with legal requirements, assessment of performance and achievement of value for money
- Procurement audit findings and discussion with management of the auditing organization and of the audited entity
- Discussion of the Procurement Audit Report and recommendations with management of the auditing organization and of the audited entity
- Follow-up actions on the Procurement Audit Report and its recommendations

**PREVENTION AND DETECTION OF FRAUD AND CORRUPTION**
- United Nations Convention against Corruption (UNCAC)
- OECD Convention on Combatting Bribery of Foreign Public Officials

**COURSE ADVISOR**
Sabine Engelhard is a lawyer specialized in procurement whose career focus has been in international development, capacity building and governance-related issues. She held various senior positions at the Inter-American Development Bank (IDB). She also worked at the World Bank, with a prominent international law firm, and headed the Washington office of an international consulting firm. Sabine has been involved in high-profile initiatives with the World Trade Organization (WTO) and the Organisation for Economic Cooperation and Development (OECD), to strengthen country procurement governance. Today Ms. Engelhard consults for different international organizations. She is an independent expert with the United Nations (UN) Award-Review Board, advising on procurement challenges resolution. She is a course advisor and a lecturer at the International Law Institute (ILI) in Washington DC, and lectures in the Procurement Master’s Program of the International Training Center of the International Labour Organization (ITC/ILO) in Turin, Italy. She holds master-level and post-graduate degrees in Law, International Relations, and European Studies.
The Procurement Integrity program covers the institutional, legal, and procedural issues involved in the procurement of goods and services by public entities and discusses reform programs to improve transparency and accountability. The program incorporates the strategies and approaches within the United States and globally to create an organizational culture committed to high ethical standards and integrity. Participants will learn best practices on ensuring organizational procurements are performed fairly, impartially, honestly, legally, and free from fraud and abuse.

**COURSE OUTLINE**

**PUBLIC PROCUREMENT REFORMS**
- Reform programs and approaches to enhance transparency, efficiency, integrity and accountability

**U.S. ANTI-CORRUPTION**
- U.S. Anti-Corruption Agencies
- Inspector General Community
- Oversight

**RISK FRAMEWORK MODELS**
- Committee of Sponsoring Organizations of the Treadway Commissions (COSO)
- Government Accountability Office (GAO)
- Association of Certified Fraud Examiners (ACFE)

**GOT ETHICS**
- Ethics & Compliance Programs
- Whistle-Blower Protections

**PROCUREMENT FRAUD**
- Make-up and Schemes
- Vulnerabilities
- Criminal, Civil and/or Administrative

**THE FRAUDSTER**
- Mind-set & Motivation
- Elusiveness

**PROCUREMENT INTEGRITY CONTROL SYSTEM®**
- Elements
- Criteria

**INVESTIGATIONS**
- Fraud Risk Theories
- Proactive Approaches
- Case Preparation

**CASE STUDY**
- Ethical Reform Movement
- Road Blocks
- Victories and Set-Backs

**COURSE ADVISORS**

**SHERYL STECKLER** was formerly the Inspector General for Palm Beach County and the Department of Children & Families, State of Florida. Ms. Steckler has worked in law enforcement and criminal justice related positions for over 30 years. She is presently the President of Procurement Integrity Consulting Services, a woman-owned small business specializing in developing, assessing, and structuring strategies to assure contracting integrity by mitigating the inherent risk to procurement fraud and abuse. Ms. Steckler is currently a Certified Inspector General, Certified Inspector General Investigator and formerly a certified law enforcement officer and public assistance fraud investigator. Ms. Steckler holds a master’s degree in Public Administration and a bachelor’s degree in Criminology from Florida State University.

**TOM CAULFIELD** was formerly the Executive Director of Training for the Council of the Inspectors General on Integrity and Efficiency. Mr. Caulfield spent over 38 years of federal government service, his assignments included responsibilities at both the senior executive and case agent levels in law enforcement, criminal investigations, anti-fraud strategies, white-collar crime investigations, polygraph, internal oversight, and professional development and training. He is currently the Chief Operating Officer for Procurement Integrity Consulting Services and was a member of the U.S. Department of Justice National Procurement Fraud Task-Force. He holds degrees in Criminology and Criminal Justice and currently is a Certified Fraud Examiner, Certified Inspector General, and Certified Inspector General Investigator.
PROJECT LIFECYCLE

FIDIC Contracts
April 1 – April 5  ▪  $1,995

Project Preparation, Analysis, Feasibility, and Financing
April 1 – April 12  ▪  $3,950

Project Development for Power and Renewable Energy
April 1 – April 12  ▪  $3,950

Project Monitoring and Evaluation
May 6 – May 17  ▪  $3,950

Project Finance Techniques: Applications and Recent Developments
May 27 – May 31  ▪  $1,995

Contract Administration
June 3 – June 14; October 21 – November 1  ▪  $3,950

Project Management
June 3 – June 14  ▪  $3,950

Public Private Partnerships and Infrastructure Finance
July 8 – July 19  ▪  $3,950

Public Private Partnerships and Infrastructure Finance (for Lawyers)
July 8 – July 19  ▪  $3,950

Contract Drafting in English
October 21 – October 25  ▪  $1,995
This seminar offers an overview and deeper understanding of the FIDIC Suite of Construction Contracts. Each of the different FIDIC books will be discussed and different analyses will focus on the most appropriate type of contract for different types of projects. During the course, the FIDIC Red book will be most closely analyzed. The seminar will also discuss dispute resolution clauses in FIDIC contracts. The seminar will conclude with an interactive FIDIC contract negotiation.

**COURSE OUTLINE**

**TYPES OF CONTRACTS – DIFFERENT FIDIC BOOKS**
- Overview of Green, Red, Yellow, Orange and Silver books
- Comparison of key clauses
- Identifying the most appropriate book for each type of project

**FIDIC RED BOOK**
- Discussion of key clauses in red book
- Variations
- Delay Damages
- Termination
- Risk Protection

**DISPUTE RESOLUTION UNDER FIDIC**
- Mediation clauses and process
- Dispute Resolution Boards
- International Arbitration

**INTERACTIVE NEGOTIATION SESSION**
- Mock negotiation of FIDIC contract

**COURSE ADVISOR**

AKIN ALCITEPE concentrates his practice on complex commercial and construction litigation matters before international and domestic dispute resolution tribunals such as ICSID, ICC and the AAA as well as U.S. state and federal courts. Mr. Alcitepe is known for his meticulous preparation and expert tailoring of his jury presentations to decision-makers (bench vs. jury trial vs. arbitration) which produces favorable results for his clients. His experience includes litigation successes on the local, national and international stages.
The key to profitable and sustainable development is the selection of viable projects and effective project preparation and financing has become even more critical in recent years. To that end, this seminar focuses on providing the knowledge and skills required to develop an idea into a bankable project ready for financing and implementation.

Through lectures, case studies, and individual and group exercises, participants will have the opportunity to experience what makes projects successful. Participants are also encouraged to bring an example of a project to contribute to class discussions.

**COURSE OUTLINE**

**PROJECT IDENTIFICATION AND PREPARATION**
- Meaning & requirements

**PROJECT DEVELOPMENT CONTEXT**
- Why this project?
- Investment programming in the public sector
- Project approach to investment
- Economic viability vs. commercial viability

**ASSESSING PROJECT VIABILITY**
- Technical, economic and financial analysis
- Fiscal impact
- Cost recovery
- Operations and maintenance

**FINANCING AND APPROVAL**

**EXTERNAL ASSISTANCE AND MULTILATERAL DEVELOPMENT AGENCIES**

**SUSTAINABILITY AND LESSONS LEARNED**
- Risk analysis
- Institutional aspects
- Environmental considerations

**COURSE ADVISORS**

**GOPI PURI** - After working in the Indian Steel industry for 17 years, Gopi Puri joined the World Bank, where he directed seminars at the World Bank Institute. Mr. Puri also worked for many years appraising investment proposals at the International Finance Corporation. He has an M.B.A. from The George Washington University and has worked with more than 80 developing countries.

**MEHDI AL-BAZZAZ** has decades of experience as an economic practitioner, and instructor on development issues and practices, including the design and analysis of programs in many developing countries. He has a graduate degree from London University and has worked at the Iraq Ministry of Planning, the World Bank Institute, The George Washington University, Georgetown University, and Loyola University of Chicago.

**JACK UPPER** is a Senior Advisor at ILI, a former World Bank Division Chief in the Europe Middle East Region and Ford Motor Company Financial Analyst. Mr. Upper holds degrees from Yale University and the University of Michigan.
This seminar explores the key steps to creating bankable power projects, with a focus on renewable energy. This seminar will be held concurrently and share some sessions with the “Project Preparation, Analysis, Feasibility, and Financing” seminar.

**COURSE OUTLINE**

**TYPES OF CONTRACTS – DIFFERENT FIDIC BOOKS**
- Overview of Green, Red, Yellow, Orange and Silver books
- Comparison of key clauses
- Identifying the most appropriate book for each type of project

**FIDIC RED BOOK**
- Discussion of key clauses in red book
- Variations
- Delay Damages
- Termination
- Risk Protection

**DISPUTE RESOLUTION UNDER FIDIC**
- Mediation clauses and process
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This seminar familiarizes participants with project monitoring and evaluation (M&E) systems and tools that focus on results in international development. The seminar offers participants both a conceptual framework and practical skill development.

**COURSE OUTLINE**

**RESULTS-BASED MANAGEMENT (RBM) IN INTERNATIONAL DEVELOPMENT**
- Understanding and distinguishing between monitoring and evaluation in the context of RBM
- Problem identification
- Development of casual hypotheses (inputs, outputs, outcomes and impacts)
- Feeding monitoring and evaluation findings into decision-making
- Role of partners and stakeholders
- Significance of “soft” assistance

**PLANNING FOR AND EXECUTING THE MONITORING AND EVALUATION PROCESSES**
- Key principles for overall work planning
- Purpose and timing (including ex-post) of monitoring and evaluation
- Involving key partners and stakeholders
- Building teams with defined roles and strong capabilities
- Establishing a hierarchy of project objectives
- Defining scope of monitoring and evaluations
- Selecting analytical tools, methodologies or approaches enabling measurement and attribution
- Importance of data quality and collection, and baseline data
- Developing indicators to measure progress and identify gaps
- Development and selection of evaluation questions and teams
- Budgeting for monitoring and evaluation
- Managing monitoring and evaluation processes
- Anticipating and resolving problems

**TOOLS, METHODS AND APPROACHES FACILITATING MONITORING AND EVALUATION**
- Performance indicators and common rating systems
- Logical framework approach (LogFrame) and results framework approach
- Qualitative and quantitative data collection methods
- Formal surveys
- Rapid appraisal methods
- Participatory methods
- Field visits
- Public expenditure tracking surveys
- Economic analysis, including cost-benefit and cost-effectiveness analysis
- Performance and process evaluation design
- Impact evaluation design and purpose
- Evaluation and tracking plans
- Annual reviews and reports
- Comparative overview of other tools, methods and approaches used by leading global institutions

**KNOWLEDGE AND LEARNING**
- Learning from evaluative evidence and applying recommendations from feedback
- Improving evaluation feedback
- Knowledge management
- Institutionalization of learning

**COURSE ADVISOR**

**DANIELLE DE GARCIA** is the Director of Performance Evaluation, Innovation, and Learning at Social Impact (SI). She has 12 years’ experience with monitoring and evaluation (M&E), organizational capacity building, and participatory methodologies in more than 25 countries. As a facilitator, Mrs. de García has developed curriculum and trained hundreds of U.S. Agency for International Development (USAID), U.S Department of State (DOS), Millennium Challenge Corporation (MCC), and non-governmental organization (NGO) personnel in results-based management and M&E. Her recent work includes the design, development, and delivery of M&E trainings for the US Institute of Peace, USAID, the International Law Institute and MCC; providing Managing for Results training and Country Development and Cooperation Strategy assistance to USG staff globally; providing strategic planning and project alignment for the World Bank; and serving as a team member or team leader on a number of assessments and evaluations for Carter Center, IREX, USAID, MCC, MasterCard Foundation, and MacArthur Foundation initiatives around the world. Beyond serving as an evaluation team leader and team member, she also provides advice and technical assistance to national and international organizations in the development of M&E systems. Mrs. de García holds an MPA in International Management, a certification in Development Project Management, and is a Certified Performance Technologist for human and institutional capacity development.
This course provides an introduction to: (1) the basic concepts and techniques of project finance; and (2) the current application of these techniques to the funding of PPP and other projects in infrastructure and other key economic sectors. It will focus on areas critical to the success and sustainability of major projects and will combine lectures with case studies to illustrate key concepts and techniques. Topics considered will include those listed below.

**COURSE OUTLINE**

**STRUCTURE AND BASIC TECHNIQUE**
- The concept of project finance
- Critical role of project preparation, risk analysis and due diligence
- Stages of a project finance transaction
- Legal structures and basic documentation

**HOW TO NEGOTIATE BANKABLE PROJECT DOCUMENTS**
- The concept of bankability
- Dealing with lender concerns
- Identification and negotiation of key contract clauses

**ARRANGING FINANCE**
- Sources of finance
- The role of public sector lenders (MDB’s, ECA’s and DFI’s)
- Providing credit support and security for loans
- Developing a finance plan

**FINANCIAL DOCUMENTATION**
- The basic loan agreements
- Ancillary loan documentation: common agreement; project accounts; security documents; and intercreditor agreement

**DEALING WITH CRITICAL NON-FINANCIAL ISSUES**
- Procurement
- Environment
- Resettlement
- Human rights
- Corruption

**RENEGOTIATION, RESTRUCTURING AND DISPUTE SETTLEMENT**
- Reasons project finance transactions encounter problems
- The workout process: standstill concept
- The special problems of project finance dispute settlement

**COURSE ADVISOR**

**JOHN M. NIEHUSS** is Director of ILI’s Private Investment in Infrastructure Center. He has been involved in international financial and investment transactions for over 40 years as a practicing lawyer, World Bank staff member, US Treasury Department official, investment banker, and General Counsel of the Inter-American Development Bank and the U.S. Export-Import Bank. He also serves as an adjunct faculty member at the University of Michigan Law School and at the Peking University School of Transnational Law in Shenzhen, China.
CONTRACT ADMINISTRATION

June 3 – June 14; October 21 – November 1  •  $3,950

The course focuses on providing the knowledge and skills necessary to administering and managing a contract. The course also will discuss and examine FIDIC Contracts, which are increasingly being used by international construction agencies and Multilateral Development Banks, including the World Bank. In a time when contracts awarded by government and commercial entities are increasingly complex and involve sophisticated technology, a firm understanding of contract administration and management is vital to success. Through lectures, discussions and case studies, the course will examine contracts in the award and performance phases from the purchasers’ and contractors’ viewpoints.

The seminar is intended for project managers, contract managers, professionals from government ministries and agencies, consulting professionals, legal advisors, and all involved in the implementation and management of a contract.

COURSE OUTLINE

MANAGING THE CONTRACT
- Types, forms, and terms of contracts (including Donor Contracts)
- Procurement
- Concepts and principles of contract law
- Key legal definitions and terms
- FIDIC and other types of contracts
- Contract price and payments

CONTRACT NEGOTIATIONS
- Negotiation objectives
- How to negotiate

CONTRACT ADMINISTRATION
- Roles, responsibilities and authorities
- Communications and teamwork
- Monitoring contracts
- Administering consulting contracts
- Filing records and audits
- Payment schedules
- Cost control
- Changes to the contract requirements

MANAGING CONTRACTOR PERFORMANCE
- Reporting
- Issue management
- Poor performance
- Managing quality assurance of deliverables
- Performance evaluation
- Performance incentives

PERFORMANCE AND SCHEDULING MANAGEMENT
- Baseline tracking
- Integrated change control
- Management of quality assurance and non-compliance
- Risk and issue management
- Management handover and contract closure
- Documentation management

CLAIMS MANAGEMENT
- Understanding claims and why they arise
- How to process and assess a claim
- Dispute mechanisms in the contract
- Dispute mechanisms under FIDIC
- Managing arbitration
- Dispute resolution

COURSE ADVISOR

DON DE AMICIS is an Adjunct Professor of Law at the Georgetown University Law Center, where he teaches international business transactions, and a Senior Advisor at the International Law Institute. He was previously Vice President and General Counsel of the Overseas Private Investment Corporation, the U.S. government’s development finance institution, which supports private investment through project finance and political risk insurance. Don was a partner at the international law firm Ropes & Gray, where he focused on finance, corporate law, and restructuring. He is a member of the Sanctions Committee of the Inter-American Development Bank and the Enforcement Committee of the European Bank for Reconstruction and Development, and also serves as an independent arbitrator.
This seminar focuses on project management and monitoring, including team building and leadership. It is especially designed for managers of developing country projects and for persons responsible for implementing such projects. Past participants have come from government, utilities, corporations, international organizations and NGOs. The seminar will examine crucial issues and steps in project management. Participants are encouraged to bring an example of a project that they can relate to the seminar for discussion.

CRUCIAL ISSUES AND STEPS IN PROJECT MANAGEMENT

- Defining objectives (logframe)
- Managing the project environment
- The project life cycle
- Project identification, preparation and approval
- Financial and economic analysis
- Project financing
- Team building and leadership
- Organization alternatives
- Communication, motivation
- Managerial styles

- Conflict resolution
- Role of project managers
- Implementing change
- Work breakdown structure (WBS)
- Critical path method
- Project scheduling (MS Project Software)
- Cost control
- Risk analysis
- Reporting and control
- Monitoring
- Database management systems (MS Access Software)
- Introduction to procurement

COURSE ADVISOR

ROBERT ROSS has served as an executive and senior advisor in the energy, oil & gas, and manufacturing industries, with significant global responsibility and experience across Fortune 500 companies, management consulting firms, the United Nations, and US and foreign government agencies and ministries. Rob has built and led business units and functional teams as an executive at numerous companies. His work has focused on improving business process execution and operational effectiveness, building sustainable capacity, increasing profitability, strengthening communications, and managing information technology. He has worked in more than 20 countries. He has managed the delivery of results-oriented services in the areas of business process improvement, company operations turnaround, business risk mitigation, anti-corruption program design and implementation, litigation support, contract/project management, and information systems planning/design/implementation.
This course provides training in the design, negotiation and financing of private participation in infrastructure and covers topics of interest to private sector lawyers, contractors, bankers and accountants as well as government officials. It uses case studies and mock negotiations to identify critical issues related to the use of project finance techniques to fund Public-Private Partnerships.

COURSE OUTLINE

PLANNING FOR PRIVATE PARTICIPATION
- General nature of private infrastructure finance
- Lessons learned from past policies and projects
- Strategic considerations for the host government and for the private sector participant
- Identification and preparation of individual projects
- Developing a communications strategy

DESIGN OF CONCESSIONS AND OTHER PPP ARRANGEMENTS
- Legal and regulatory framework
- Design of individual agreements
- Special problems of agreements with local authorities and other subnational entities
- Key financial considerations, including the concept of bankability
- Basic project documents

NEGOTIATION OF KEY CONTRACT CLAUSES
- The negotiation process
- How to negotiate contentious clauses, including: clauses to make a concession bankable; termination provisions and compensation in event of termination; tariff and price adjustment clauses; unilateral change and economic hardship clauses; provisions for government support; transfer of assets at the end of the concession and dispute settlement clauses

PROJECT FINANCE: STRUCTURE AND BASIC TECHNIQUES
- The concept of project finance
- Risk analysis and mitigation
- Legal structures
- Basic techniques

PROJECT FINANCE: ARRANGING THE FUNDING
- Sources of finance
- Providing credit support and security for loans
- Financial documentation

RENEGOTIATION OF AGREEMENTS
- Most common reasons for renegotiation
- Alternatives to renegotiation
- Types of renegotiation
- Clauses in the concession agreement to facilitate renegotiation

COURSE ADVISOR

JOHN M. Niehuess is Director of ILI’s Private Investment in Infrastructure Center. He has been involved in international financial and investment transactions for over 40 years as a practicing lawyer, World Bank staff member, US Treasury Department official, investment banker, and General Counsel of the Inter-American Development Bank and the U.S. Export-Import Bank. He also serves as an adjunct faculty member at the University of Michigan Law School and at the Peking University School of Transnational Law in Shenzhen, China.
Lawyers play an important role in public-private partnerships and in conflict resolution for PPPs. This course is designed specifically for lawyers to teach what they need to know about PPP design, agreements, and pitfalls in PPP. Topics covered include negotiating, drafting and implementing Public-Private Partnership agreements, as well as renegotiating agreements and alternative dispute resolution options, including investor-state arbitration. Selected sessions will be combined with the Public Private Partnerships and Infrastructure Finance seminar and will cover PPP design, finance, and structure. This course will take a thorough examination of legal issues associated with of each stage of the PPP process.

**COURSE OUTLINE**

**LEGAL TOPICS RELATED TO PPPS**
- Alternative Dispute Resolution mechanisms for PPPs
- International Investment Treaties
- Overview of Investor-State arbitration
- Drafting key provisions in concession agreements

**PLANNING FOR PRIVATE PARTICIPATION**
- General nature of private infrastructure finance
- Lessons learned from the past policies and projects
- Strategic considerations for the host government and the private sector participant
- Identification and preparation of individual projects
- Developing a communication strategy

**DESIGN OF CONCESSIONS AND OTHER PPP ARRANGEMENTS**
- Legal and regulatory framework
- Design of individual agreements
- Special problems with agreements local authorities and other sub-national entities
- Key financial considerations including the concept of bankability

**NEGOTIATION OF KEY CONTRACT CLAUSES**
- The negotiation process
- How to negotiate contentious clauses, including: clauses to make a concession bankable; termination provisions and compensation in event of termination; tariff and price adjustment clauses; unilateral change and economic hardship clauses; provisions for government support; transfer of assets at the end of the concession and dispute settlement clauses

**FINANCE: STRUCTURE AND BASIC TECHNIQUES**
- The concept of project finance
- Risk analysis and mitigation
- Legal structures
- Basic techniques
- Basic project documents

**PROJECT FINANCE: ARRANGING THE FUNDING**
- Sources of finance
- Providing credit support and security for loans
- Financial documentation

**RENEGOTIATION OF AGREEMENTS**
- Most common reasons for renegotiation
- Alternatives to renegotiation
- Types of renegotiation
- Clauses in the concession agreement to facilitate renegotiation

**COURSE ADVISOR**

JOHN M. NIEHUS is Director of ILI’s Private Investment in Infrastructure Center. He has been involved in international financial and investment transactions for over 40 years as a practicing lawyer, World Bank staff member, US Treasury Department official, investment banker, and General Counsel of the Inter-American Development Bank and the U.S. Export-Import Bank. He also serves as an adjunct faculty member at the University of Michigan Law School and at the Peking University School of Transnational Law in Shenzhen, China.
This seminar focuses on the practical skills necessary for drafting contracts in English. Participants will sharpen their skills in working with legal English, and specifically drafting contracts in legal English. The emphasis is on learning by doing, and the seminar will offer the opportunity to draft and receive feedback from experts. Participants will engage in several drafting exercises and a negotiation session.

**COURSE OUTLINE**

**OVERVIEW OF THE U.S. CONTRACT LAW**
- Sources of Law
- Contract Formation
- Contract Interpretation

**BASIC DRAFTING TOPICS**
- Definitions
- Warranties
- Termination Clauses
- Remedy Provisions
- Contingency Clauses

**BOILERPLATE LANGUAGE AND UTILIZING TEMPLATES**
- Choice of Law/Governing Law
- Jurisdiction
- Arbitration
- Force Majeure
- Third Party Rights

**COURSE ADVISOR**

**KEVIN FANDL** is the director of the Global Legal Education Institute and author several books, including Narrowing the Gap: Legal English for the New Global Legal Practitioner and Lost in Translation: Effective Legal Writing for the International Legal Community. He has taught law and policy courses around the world since 2004 and specializes in the areas of international trade, migration, and economic development. Dr. Fandl is a graduate of American University (J.D., M.A.) and George Mason University (Ph.D.) and is currently Professor of Legal Studies and Global Business Strategy at the Fox School of Business at Temple University.
TRADE AND INVESTMENT

Fundamentals of Investor-State Arbitration
December 2 – December 6 ▪ $1,995

International Investment Treaties and Investor-State Arbitration
December 2 – December 13 ▪ $3,950

Multilateral and Regional Trade Agreements
December 2 – December 6 ▪ $1,995

The Trade Facilitation Agreement & Other Important Customs Issues, Negotiation of Trade Agreements
December 9 – December 13 ▪ $1,995

COMBINED: Multilateral and Regional Trade Agreements and The Trade Facilitation Agreement & Other Important Customs Issues, Negotiation of Trade Agreements
December 2 – December 13 ▪ $3,950
This course teaches lawyers, and other professionals, such as international investors (whether companies or individuals), as well as government officials how to draft, negotiate and interpret bilateral investment treaties (BITs) and investment chapters of free trade agreements, and how to resolve disputes arising from them, including the valuation of damages and enforcement of arbitral awards. The use of BITs has exploded in recent years, with almost 3,000 such treaties in effect. This course provides the participants with an in-depth understanding of the fundamental principles applied in Investor-State arbitration.

COURSE OUTLINE

BASIC STANDARDS FOR THE TREATMENT OF FOREIGN INVESTMENT

- Background on the history of free trade and other agreements relating to foreign investment
- Minimum standards under customary international law
- Substance of common investor protection clauses in BITs, including national treatment, MFN, fair and equitable treatment, and expropriation and nationalization

INVESTOR-STATE DISPUTE SETTLEMENT

- Arbitration under various treaties and rules, including ICSID, NAFTA, CAFTA, ECT and UNCITRAL
- Parallel proceedings and related problems
- Selection of forum and the arbitrators
- Sources and choice of applicable law
- Key jurisdictional thresholds: consent, investment (jurisdiction ratione materiae), investor (jurisdiction ratione personae)
- State defenses to investor claims
- Methods of calculating damages
- Recognition, enforcement and challenges to an arbitral award

COURSE ADVISORS

IAN A. LAIRD is co-chair of the Crowell & Moring’s International Dispute Resolution Group and an adjunct professor at Columbia University School of Law and Georgetown University Law Center. He represents a range of clients in international arbitration proceedings involving disputes between corporations and foreign sovereign governments. Ian is recognized as a leading practitioner in the arbitration field by the International Who’s Who of Commercial Arbitration Lawyers 2016. He is the co-Founder and Editor-in-Chief of InvestmentClaims.com, the on-line investment arbitration award service published by Oxford University Press. He is licensed to practice in Washington DC as a Special Legal Consultant and in Ontario, Canada as a Barrister & Solicitor.

BORZU SABAHI is an attorney in the International Arbitration group of Curtis, Mallet-Prevost Colt & Mosle LLP in Washington, DC. He represents governments in international arbitration matters in a variety of sectors. He was recognized by the International Who’s Who of International Commercial Arbitration Lawyers 2016 as a leading practitioner. He is also an adjunct professor at Georgetown and Columbia Law Schools, an Editor of Oxford’s InvestmentClaims.com, and a Co-Chair of the Annual Juris Conference in D.C. His publications have been cited by arbitral tribunals and the U.S. Supreme Court. He is licensed to practice in New York and the District of Columbia.
The use of investment treaties – including bilateral investment treaties (BITs) and free trade agreements (FTAs) - has exploded in recent years. Almost 3000 such treaties are in effect. Foreign investors have used BITs to initiate hundreds of international arbitration disputes against host governments with amounts ranging from a few million to several billion dollars in connection with foreign investments. This seminar teaches participants how to draft, negotiate, and interpret international investment treaties and also how to prevent and resolve disputes arising from them. Additionally, it includes advanced instruction in how and when international arbitration proceedings are initiated against nations that violate international treaties.

**COURSE OUTLINE**

**BASIC STANDARDS FOR THE TREATMENT OF FOREIGN INVESTMENT**

- National laws and regulations
- Minimum standards under customary international law
- Background on the history of free trade and other agreements relating to investment
- Substance of common investor protection clauses, including national treatment, MFN, fair and equitable treatment, transfer of funds and expropriation and nationalization

**INVESTOR-STATE DISPUTE SETTLEMENT**

- Arbitration under various treaties, including ICSID, NAFTA, CAFTA, ECT and UNCITRAL
- Selection of forum and the arbitrators
- Alternative forms of dispute resolution
- Role of the arbitral tribunal and conduct of proceedings
- Managing the arbitration
- Sources and choice of applicable law
- State defenses to investor claims
- Methods of calculating damages
- Recognition, enforcement and challenges to an arbitral award

**COURSE ADVISORS**

**IAN A. LAIRD** is co-chair of the Crowell & Moring’s International Dispute Resolution Group and an adjunct professor at Columbia University School of Law and Georgetown University Law Center. He represents a range of clients in international arbitration proceedings involving disputes between corporations and foreign sovereign governments. Ian is recognized as a leading practitioner in the arbitration field by the International Who’s Who of Commercial Arbitration Lawyers 2016. He is the co-Founder and Editor-in-Chief of InvestmentClaims.com, the on-line investment arbitration award service published by Oxford University Press. He is licensed to practice in Washington DC as a Special Legal Consultant and in Ontario, Canada as a Barrister & Solicitor.

**BORZU SABAHI** is an attorney in the International Arbitration group of Curtis, Mallet-Prevost Colt & Mosle LLP in Washington, DC. He represents governments in international arbitration matters in a variety of sectors. He was recognized by the International Who’s Who of International Commercial Arbitration Lawyers 2016 as a leading practitioner. He is also an adjunct professor at Georgetown and Columbia Law Schools, an Editor of Oxford’s InvestmentClaims.com, and a Co-Chair of the Annual Juris Conference in D.C. His publications have been cited by arbitral tribunals and the U.S. Supreme Court. He is licensed to practice in New York and the District of Columbia.
The seminar will cover the basic GATT and WTO rules, and examine the implications of the massive growth of Regional Trade Agreements. The course is designed to help governments and enterprises to take full advantage of the opportunities provided by multilateral and regional trade agreements, as well as to deal with their challenges. It will be taught by present and former senior government officials, leading academics and practitioners, and officials from multinational organizations.

The creation of the WTO some twenty years ago, with its effective enforcement system, vastly expanded the scope and effectiveness of the international trade system. While the Doha Round of multilateral trade negotiations has largely failed, the WTO still plays a vital role in the trading system, which is underpinned by the rules developed by the GATT (the WTO’s predecessor) and the WTO itself. Most importantly, these rules are enforced by the WTO dispute settlement system, which is much more effective than most international D/S systems. More than 500 cases have been filed with the WTO, compared with only three state-to-state cases under the NAFTA.

In part because of the failure of the Doha Round to produce much in the way of lowered trade barriers, Regional Trade Agreements (RTAs) have become an increasingly important part of the international trading system. RTAs already cover more than half of world trade, and massive new agreements are under negotiation. Although the United States has pulled out of the Trans Pacific Partnership, the other eleven signatories are moving ahead. China is leading negotiations of the Regional Comprehensive Economic Partnership (RCEP) (16 countries, including India, China, Japan and Korea, accounting for nearly 30 percent of world trade). The Transatlantic Trade and Investment Partnership (TTIP) between the United States and the EU, accounting for about 40 percent of world trade, is another possibility. There is also a great deal of RTA activity in Africa, as the many existing RTAs are consolidated with a view to eventually creating a single African Economic Union.

The course will also examine President Trump’s impact on the world trading system. The WTO dispute settlement system has been under attack by the United States, and the President’s approach to dealing with perceived trade problems have been unorthodox, to say the least.

**BACKGROUND: THE INTERNATIONAL TRADING SYSTEM**
- Creation and operation of the WTO
- WTO rules governing trade in goods, services and intellectual property
- WTO dispute settlement

**REGIONAL TRADE AGREEMENTS**
- GATT and GATS provisions authorizing RTAs
- The pros and cons of RTAs
- The growth of “Megaregionals”
- Dispute settlement in RTAs
- Particular issues:
  - Trade in goods - rules of origin
  - Trade in services
  - Intellectual property
  - Investment
  - Non-traditional issues - environment, labor, digital trade, etc.

**COURSE ADVISOR**

**PATRICK MACRODY** is Director of ILI’s International Trade Law Center. He was a senior partner in two of Washington’s largest law firms, and has practiced trade law for more than forty years. He has taught international trade law at universities in Washington, London, and Tokyo. He has written extensively on the subject, and was Editor-in-Chief of a major multi-volume work on the WTO published in 2005. He is also co-editor of “A Business Guide to Trade and Investment”, published in 2017/18 by the International Chamber of Commerce.
Customs authorities play a vital role with respect to international trade in goods. As the “gatekeepers”, they are charged with determining how much duty to assess on imports, as well as enforcing statutory restrictions on the import of specific goods. The course will discuss the way in which customs authorities carry out their duties, and the international agreements that govern their operations. The course will focus on the Trade Facilitation Agreement (TFA), adopted by the WTO in 2013 and entered into force in 2017. The TFA requires each Member to implement 37 specific obligations, all designed to streamline the international movement of goods. The TFA developed countries already comply with all or most of the obligations, so that the burden of implementation will fall most heavily on developing countries. However, the TFA is the first WTO Agreement to allow Members to set their own timetables for implementation and to condition implementation of specific obligations on the receipt of adequate technical assistance.

The course is designed as a practical course that will assist trade officials in their work and provide hands-on advice on implementation of the TFA, as well as to deal with its challenges. It will be taught by present and former senior government officials, leading academics and practitioners, and officials from multinational organizations.

The course will also spend time on the negotiation of trade agreements. It will discuss the need for careful preparation, including detailed interaction with the stakeholders, and techniques for achieving the best possible outcome. It will include a simulated negotiation.

### FUNCTIONS OF CUSTOMS AUTHORITIES
- Duty Assessment
  - Classification
  - Valuation
  - Rules of Origin
- Import Licensing
- Other

### THE TRADE FACILITATION AGREEMENT
- Background and rationale
- Overview of the Agreement
- Current US Trade Policy
- Implementation – categorization of requirements
- Key issues:
  - Transparency
  - Advance rulings
  - Review procedures
  - Release of goods
  - Border agency cooperation
  - Formalities, including Single Window
  - Freedom of transit
  - Customs cooperation
  - Shipping / Logistics
  - Transport security
  - IT and e-commerce

### COURSE ADVISOR
**Patrick MacRory** is Director of ILI’s International Trade Law Center. He was a senior partner in two of Washington’s largest law firms, and has practiced trade law for more than forty years. He has taught international trade law at universities in Washington, London, and Tokyo. He has written extensively on the subject, and was Editor-in-Chief of a major multi-volume work on the WTO published in 2005. He is also co-editor of “A Business Guide to Trade and Investment”, published in 2017/18 by the International Chamber of Commerce.
This seminar offers an exciting opportunity for personal and professional development, and consists of a combination of two courses: Multilateral and Regional Trade Agreements; and The Trade Facilitation Agreement & Other Important Customs Issues, Negotiation of Trade Agreements. Participants in this course will receive two certificates indicating completion of each seminar. To see descriptions of the topical areas covered, please refer to the two descriptions above or in the ILI Brochure. In addition, the participants who enroll in this two week combination seminar will have more opportunities to network and can take part in the optional weekend sightseeing tour of Washington offered to participants who attend seminars lasting two weeks or longer at the ILI.

**COURSE OUTLINE**

**MULTILATERAL AND REGIONAL TRADE AGREEMENTS**
Outline available on page 66 of this booklet.

**THE TRADE FACILITATION AGREEMENT & OTHER IMPORTANT CUSTOMS ISSUES, NEGOTIATION OF TRADE AGREEMENTS**
Outline available on page 67 of this booklet.

**COURSE ADVISOR**

**PATRICK MACRORY** is Director of ILI's International Trade Law Center. He was a senior partner in two of Washington's largest law firms, and has practiced trade law for more than forty years. He has taught international trade law at universities in Washington, London, and Tokyo. He has written extensively on the subject, and was Editor-in-Chief of a major multi-volume work on the WTO published in 2005. He is also co-editor of “A Business Guide to Trade and Investment”, published in 2017/18 by the International Chamber of Commerce.
SPECIALIZED PROGRAMS

Understanding and Negotiating Transmission Service Agreements
April 15 – April 19 ▪ $1,995

Understanding, Drafting, and Negotiating Contracts
April 29 – May 3 ▪ $1,995

Antitrust and Competition Laws: Foundations and New Developments
June 3 – June 7 ▪ $1,995

Legal English and Legal Writing
July 15 – July 26 ▪ $1,900

Orientation in the U.S. Legal System and Business Law
July 29 – August 9 ▪ $2,600

COMBINED: Legal English and Orientation
July 15 – August 9 ▪ $3,995

Advanced Oil, Gas, Power, and Sustainable Energy
October 21 – November 1 ▪ $3,950

Governance & Anticorruption Methods: Effective Policy and Enforcement
November 4 – November 15 ▪ $3,950
UNDERSTANDING AND NEGOTIATING TRANSMISSION SERVICE AGREEMENTS

April 15 – April 19 ▪ $1,995

This seminar focuses on the fundamentals, legal and regulatory frameworks, current important issues and trends in understanding and negotiating transmission service agreements. The seminar will include financial and project-related themes in the context of transmission services. The objective of the seminar is to assist transmission service agreement role players, including policy makers and practitioners from emerging economies, to develop skills and to better understand the contractual terms and conditions through analysis and applications.

COURSE OUTLINE

FUNDAMENTALS OF TRANSMISSION SERVICE AGREEMENTS
- Overview of established arrangement of provisions
- Actors and Role players
- Policy Considerations

LEGAL AND REGULATORY FRAMEWORKS
- The Regulator, including Tariff Setting
- Compliance, and Discussion of Selected Laws and Regulations

CONTRACTUAL CONSIDERATIONS, INCLUDING:
- Important Concepts/ Definitions
  » Insolvency Events and Occurrences
  » Transmission Service Types (e.g. “point-to-point transmission service,” “open access”)
  » Transmission Charges and Affiliates
  » Curtailment Conditions
  » Operating Period
- General Terms of Service
  » Standards and requirements for operation and maintenance
  » Billing and payments
- Amendments
  » Declare notice of filing and response
  » Limitations in Modifications of Agreement
  » Governing law and dispute resolution
- Terms and Continuing Obligations
  » Environmental Compliance and Procedures
  » Remediation and Abatement
  » Force Majeure
  » Tax Responsibilities
- Miscellaneous
  » Scheduling and Metering
  » Termination Procedures

PROJECT-RELATED TOPICS
- Procurement Issues
- Utilization of Public-Private Partnerships
- Project Finance Considerations for Transmission Services
- Other Financial Considerations

TRENDS IN POWER SERVICES AND OTHER CURRENT TOPICS
- Grid Modernization
- Renewables, integration, and energy storage
- Growing load defections for Utilities
- Design reforms and Distributed Energy Resources (DER)
- Environmental Concerns
- Refocused customer service, including the role of third party vendors
- Changing Utility business models

NEGOTIATIONS
- Negotiating techniques
- Negotiating with donor organizations, financiers and sponsors
- Approaching/Drafting Contractual Terms, Conditions and Amendments

COURSE ADVISOR

DON DE AMICIS is an Adjunct Professor of Law at the Georgetown University Law Center, where he teaches international business transactions, and a Senior Advisor at the International Law Institute. He was previously Vice President and General Counsel of the Overseas Private Investment Corporation, the U.S. government’s development finance institution, which supports private investment through project finance and political risk insurance. Don was a partner at the international law firm Ropes & Gray, where he focused on finance, corporate law, and restructuring. He is a member of the Sanctions Committee of the Inter-American Development Bank and the Enforcement Committee of the European Bank for Reconstruction and Development, and also serves as an independent arbitrator.
This seminar follows an integrated approach by focusing on enhancing expertise in drafting contracts and strengthening negotiation skills. To emphasize practical learning, the seminar provides opportunities to engage in various drafting and negotiation exercises, developed by experts in the field. This seminar is designed for both lawyers who will be drafting and negotiating contracts for their clients and for officials who will be negotiating, drafting, and implementing contracts.

COURSE OUTLINE

- Overview of contract law, including purchase orders, requests for proposals, contract formation and contract interpretation; Professional agreements versus construction contracts; Contract pricing and scope; Review of standard language including insurance requirements, indemnification, liquidated damages, third-party rights, suspension and termination
- Discussion of dispute resolution, including arbitration versus litigation, jurisdiction, choice of law, and remedies
- Analysis of approaches to negotiation
- Analysis of positions, interests, options and developing techniques and skills
- Exploration of power and cultural dynamics • Examination of how to deal with difficult negotiators and overcoming impasse.

COURSE ADVISORS

GAIL KELLEY is a professional engineer as well as a practicing attorney. Her practice focuses on drafting and negotiation of construction contracts and design agreements for both public and private projects, with a specific focus on review and negotiation of design agreements and financing documents for insurability concerns. She also participates in the negotiation of settlement agreements. Ms. Kelley has over 30 years of experience in all aspect of design, construction and development. She has a B.S. in Civil Engineering from Cornell University, an M.S. in Construction Management from MIT, and a JD from Washington College of Law. She is the author of “Construction Law: An Introduction for Engineers, Architects and Contractors.”

GERHARD BOTHA is Director of Programs at ILI. Previously, he worked for the World Bank as a senior sector specialist in legal and judicial reform and private and financial sector development. Mr. Botha specialized in labour/employment law and relations, conflict resolution and negotiation, both in private practice and within a large corporate environment in Southern Africa. He has over 30 years experience in legal and labour relations practice, and in international development. Mr. Botha holds B.A. and LL.B. degrees from the University of Stellenbosch in South Africa, an LL.M degree in Labor Law from the University of South Africa and an LL.M focusing on labour/ employment law and Alternate Dispute Resolution, from the George Washington University Law School in Washington DC.
This course strengthens participant knowledge of the fundamentals of antitrust and competition law and provides participants with important insights on new developments, cutting edge issues, and best practices. In addition, major substantive and procedural fundamentals and developments will be explored through lecture, in-class discussion, and real-world case studies.

Examining the foundations, sources, and underlying principles of antitrust laws, the course will provide participants with the opportunity to critically examine the material with colleagues and experts and to discuss case studies reflecting the application of antitrust principles throughout the world.

Furthermore, beyond foundational material, participants will consider issues relating to cartels, dominant position abuse, mergers, joint ventures, distribution, information exchanges and the IP/antitrust interface, as well as the enforcement strategies employed to achieve these goals in both the public and private sectors. The course is intended for judges, lawyers, non-lawyer professionals, government officials, judicial officers and officials of judicial and legal training units.

**COURSE OUTLINE**

**FOUNDATIONS/SOURCES OF ANTITRUST/COMPETITION LAWS**
- Substantive policy goals
- Procedures and free markets

**ANTITRUST FUNDAMENTALS**
- Cartels
- Dominant position abuse
- Mergers
- Joint ventures
- Vertical restraints
- Information exchanges and the IP/antitrust interface

**COMPETITION ENFORCEMENT**
- Public (civil/criminal sanctions, ex ante notification)
- Private and collective redress

**EVIDENCE/REMEDIIES**
- Important concepts
- Collusion
- Abuse
- Market definition/market power
- Role of experts

**GLOBALIZATION OF ANTITRUST**
- Global restraints/international responses
- Regional, bilateral and networks – conflicts

**NEW AND LATEST DEVELOPMENTS**
- Conflicts to convergence
- Enhanced enforcement techniques and compliance

**DYNAMICS**
- Case studies
- Teamed problem solving and possible visit to an enforcement agency or a court

**COURSE ADVISOR**

**HOWARD W. FOGT** has practiced antitrust and competition law for more than 40 years as a partner in the Washington DC and Brussels Belgium offices of Foley & Lardner LLP. His practice has involved counselling/litigating on cartels, dominant positions, mergers/acquisitions, joint ventures, information exchanges and the IP/antitrust interface as well as antitrust/competition law in international trade. Mr. Fogt taught EU competition law at Georgetown University Law Center.

He has written and spoken extensively on U.S. EU and international antitrust issues. Prior to entering private practice, he was a law clerk on the Ohio Supreme Court and Associate Counsel on the Antitrust Subcommittee of the Judiciary Committee of the U.S. House of Representatives. He is admitted to the Ohio State Bar, the Bar of the District of Columbia and the United States Supreme Court. He is fluent in English and French.
The Legal English and Legal Writing seminar exposes foreign legal practitioners and law students to English legal terminology and usage through an overview of the U.S. legal system, contract law, constitutional law, commercial law and legal drafting. In addition to learning legal terminology, participants benefit from an introduction to the legal reasoning process of the U.S. legal system, helping them apply the terms and concepts as they learn them.

Participants in this seminar will develop the advanced skills they need to succeed in a multi-jurisdictional legal practice. The methodology, language and reasoning skills learned in this seminar are useful for working with clients, firms and organizations in the United States, and they are transferable to the professional legal practice abroad. This seminar is also highly encouraged for foreign lawyers wishing to pursue an LL.M. from an institution within the United States. Participants engage in interactive seminars consisting of lectures, individual writing and speaking exercises, and group projects.

If requested, the International Law Institute will provide complimentary tutors, U.S. lawyers, to help review writing samples with participants out of class time.

COURSE OUTLINE

- U.S. Legal institutions
- Introduction to Common Law
- Researching and interpreting cases in the U.S. legal system
- Legal research (including practical exercises)
- Contract law
- Legal Writing and analysis (including exercises)
- Overview of U.S. business law
- Overview of commercial arbitration in the U.S.
- The U.S. Role in International Trade
- Effective Negotiation Techniques in Commercial Context
- Simulated arbitration exercise

COURSE ADVISOR

KEVIN J. FANDL is a Professor of Legal Studies and Global Business Strategy at the Fox School of Business at Temple University, and Adjunct Professor of Law at the Georgetown University Law Center. Dr. Fandl has been Course Advisor to the International Law Institute’s Legal English program since 2009. He is the author of the course text, Narrowing the Gap: Legal English for the New Global Legal Practitioner and the director of the Global Legal Education Institute. He has taught law and policy courses around the world since 2004 and specializes in the areas of international trade, migration, and economic development. Dr. Fandl is a graduate of American University (J.D., M.A.) and George Mason University (Ph.D.) and served as Deputy Chief of Staff for U.S. Immigration and Customs Enforcement.
In its 49th consecutive year, the Orientation in the U.S. Legal System and Business Law seminar is the first and longest running program of its kind. This seminar introduces participants to the American common law, including the fundamental American laws and regulations affecting international business with U.S. counterparts. This seminar is ideal for foreign lawyers and professionals, arbitrators, law students, for those preparing for a U.S. LL.M., or for anyone who deals with American and international clients and partners.

COURSE OUTLINE

STRATEGIC BENEFITS

▪ Basic knowledge of the institutions of the American legal system
▪ The use of case law and judicial precedent. Exposure to major judicial doctrines central to American law
▪ Enhancement of analytical and research skills needed in the study of law
▪ Better understanding of the role of the legal profession in the U.S.
▪ Opportunities to meet lawyers from the private and public sectors and the chance to observe the practice of law in court

CLASS TOPICS

▪ The American Court System
▪ Arbitration and American Courts: Enforcement
▪ The American Court System: Civil Litigation and Jurisdiction of Courts
▪ International Litigation: Extraterritorial Application of U.S. Law; U.S. Civil Procedure Abroad; Other Proceedings
▪ Commercial Contracts: Negotiation of Contracts with American Lawyers
▪ American Torts in the International Setting
▪ Products Liability Law in the U.S. Legal System
▪ The U.S. Insurance System and Its Impact on Business Claims
▪ SEC, Sarbanes-Oxley and Other Recent Legislation with International Effects on Corporations
▪ Corporate Governance
▪ Investor-State Arbitration
▪ Intellectual Property

COURSE ADVISOR

CHARLES F. ABERNATHY of the Georgetown University Law Center has directed the Orientation program for the past seventeen years. A graduate of Harvard College and Harvard Law School, Professor Abernathy was a co-founder of the Southern Poverty Law Center in 1971. He has written casebooks on civil rights, constitutional litigation and on the law of equal employment opportunity. One of his more recent works is Law in the United States: Cases and Materials, which also serves as the basic text of the Orientation seminar.
Participants may elect to participate in both the Legal English and Legal Writing and Orientation in the U.S. Legal System & Business Law seminars. This combined seminar offers participants the opportunity to attend both seminars at a discounted tuition while still receiving two certificates. ILI recognizes participants in these courses are comprised of students and lawyers starting their international careers. We realize sponsorship by law firms or educational scholarships may not always be available. In efforts to allow participants of these programs to receive the greatest benefit from their tuition budget and their time at ILI and in Washington, DC, ILI makes this special discount available.

In these seminars, participants will examine the fundamental legal institutions in the United States and the essential laws and regulations affecting business with U.S. companies. In addition, participants will acquire new analytical and drafting skills through class discussions and practical exercises.

Participants will also have a great opportunity to interact with U.S. and foreign attorneys practicing in Washington, DC and will participate in exciting site visits. Events and site visits in these courses are arranged to provide unique insight into the practice of law in the United States. Sample visits offered in previous years include:

- The U.S. Supreme Court
- The U.S. District Court for the District of Columbia
- The U.S. Court of Federal Claims
- The U.S. Congress and Law Library of Congress
- Some of the top international law firms in Washington, DC

**LEGAL ENGLISH AND LEGAL WRITING**

Outline available on page 73 of this booklet.

**ORIENTATION IN THE U.S. LEGAL SYSTEM, AND BUSINESS LAW**

Outline available on page 74 of this booklet.

**COURSE ADVISORS**

**KEVIN J. FANDL** is a Professor of Legal Studies and Global Business Strategy at the Fox School of Business at Temple University, and Adjunct Professor of Law at the Georgetown University Law Center. Dr. Fandl has been Course Advisor to the International Law Institute’s Legal English program since 2009. He is the author of the course text, Narrowing the Gap: Legal English for the New Global Legal Practitioner and the director of the Global Legal Education Institute. He has taught law and policy courses around the world since 2004 and specializes in the areas of international trade, migration, and economic development. Dr. Fandl is a graduate of American University (J.D., M.A.) and George Mason University (Ph.D.) and served as Deputy Chief of Staff for U.S. Immigration and Customs Enforcement.

**CHARLES F. ABERNATHY** of the Georgetown University Law Center has directed the Orientation program for the past seventeen years. A graduate of Harvard College and Harvard Law School, Professor Abernathy was a co-founder of the Southern Poverty Law Center in 1971. He has written casebooks on civil rights, constitutional litigation and on the law of equal employment opportunity. One of his more recent works is Law in the United States: Cases and Materials, which also serves as the basic text of the Orientation seminar.
Countries face many challenges related to sustainable development of their energy sectors. Governments must adapt policies and legal framework to efficiently develop their natural resources (both conventional and renewable resources); diversify and optimize the energy source mix, address climate change impact and meet INDC requirements, attract capital and expertise to develop the entire energy sector value chain; capture economic rents to pass through energy sector benefits to local communities; ensure optimum local content development; improve linkages to power sector; foster transparency, corporate social responsibility and environmental stewardship - all of which is critical for securing the affordable, reliable, and sustainable energy supply and for growing the local economies.

This seminar examines issues using policy, legal, and commercial lenses to provide a strategic level understanding of the sustainable value chain. Participants will receive a detailed review of the legal and commercial issues that must be resolved for successful sector development. Material is delivered through a variety of methods including: reference reading, in-class lecture, industry panels, and interactive group simulations and workshops.

**COURSE OUTLINE**

**FUNDAMENTALS**
- Global energy sector overview, value chain, issues and trends
- Objectives of a host government, SOEs, energy companies and other stakeholders
- Host country’s strategic policy issues, legal and regulatory framework and fiscal regime
- Climate change: adaptation and mitigation targets and implementation
- Negotiation framework, strategy, and tools

**OIL AND GAS (UPSTREAM, MIDSTREAM AND DOWNSTREAM)**
- Upstream fiscal systems, taxation
- Upstream contracts and key terms
- Special considerations for natural gas
- Sales, storage, and transportation
- Transboundary pipelines
- Refineries
- State participation in oil and gas projects

**RENEWABLES**
- Commercial and operational framework
- Development, structuring and financing of renewable projects
- Case studies for solar, wind, geothermal, hydro, and other projects
- Requirements for host governments in development their renewables sector

**POWER SECTOR**
- Sector fundamentals and structure
- Project funding issues and alternatives
- Power sector contracts and terms
- Trends and developments with case studies

**SPECIAL CONSIDERATIONS**
- Climate change: adaptation and mitigation targets and implementation
- Local content and other energy sector benefits to local communities
- Energy corridors and regional cooperation
- Transparency, anti-corruption, CSR and environmental standards
- Resolution of energy sector disputes between states and investors

**COURSE ADVISORS**

**GULY SABAHI** is an independent legal adviser and outside general counsel, with 15 years of law firm experience (most recently as Partner at Dentons), advising major international companies and state-owned entities (including NOCs) on cross-border M&A and JV transactions, mainly in the energy sector. Guly also provides legal support on upstream projects, and power projects. Guly has worked on transactions and projects involving assets in over 50 countries in the Middle East, the Sub-Saharan Africa, Central Asia, and Latin America. Guly teaches at Georgetown University Law Center, and regularly speaks at events hosted by the Association of International Petroleum Negotiators (AIPN), and other leading organizations. Guly serves as a Director and VP Model Contracts of the AIPN. Guly is trained in both civil law and common law jurisdictions, and is admitted to practice in the US (New York and District of Columbia), and as Solicitor in England and Wales.

**ROBERT LESNICK** is an Executive Advisor to businesses and governments seeking to develop projects which expand development and use of natural gas. Mr. Lesnick recently retired from the World Bank as its Oil and Gas Program Coordinator after a successful 30-year career in the private sector. He has extensive experience in the petroleum sector, including commodity trading, project development, and natural gas field operations. Robert has over 25 years of international experience as a manager and lead negotiator for the development of energy infrastructure projects. He has conducted business in more than 60 countries on 6 continents.
The seminar presents an in-depth survey of methods and best practices taken by governments, non-governmental organizations ("NGOs"), and other stakeholders to eradicate corruption and promote transparency. The course reviews elements in public sector management commonly known as “good governance,” the causes and effects of corruption, and undertakes a comparative study of domestic and multilateral efforts to eliminate corruption. Additionally, the course examines the history, foundation and main provisions of the United Nations Convention Against Corruption and other international instruments designed to curb corruption and their implications for governance and transparency worldwide.

COURSE OUTLINE

INTRODUCTION
- Definitions and measurement of corruption
- Codes of conduct and accountability
- Site visits to the U.S. National Security Archives, FinCEN, SEC, World Bank Group and Inter-American Development Bank Group

INTERNATIONAL ANTICORRUPTION MECHANISMS
- UN Convention Against Corruption (UNCAC)
- US Foreign Corrupt Practices Act
- UNOCD Legislative Guide
- OECD Anti-bribery Convention
- Inter-American Convention Against Corruption
- Multilateral and bilateral programs
- International cooperation

PUBLIC SECTOR MECHANISMS
- Government ethics and integrity
- Government oversight
- Transparency in procurement
- Financial regulatory mechanisms

PRIVATE SECTOR ISSUES AND MECHANISMS
- Issues of financial integrity
- Maintaining financial integrity
- Role of accounting
- Codes of ethics

CIVIL SOCIETY MECHANISMS
- Roles and activities of Transparency International
- The right to information
- U.S. Freedom of Information Act
- Free and independent media
- The role of stakeholders: parliamentarians, judges, civil society, NGOs and media

DESIGNING AND IMPLEMENTING UNCAC LEGISLATION
- Drafting legislation
- Costs and sources of funding for implementation and training
- Implementation strategies

COURSE ADVISORS

TIMOTHY L. DICKINSON is a partner in the Washington D.C. office of Paul, Hastings LLP. His practice is devoted primarily to international commercial matters, including counseling on the U.S. Foreign Corrupt Practices Act, and the design and implementation of special investigations and compliance programs. Mr. Dickinson is also a member of the ILI Board of Directors.

H. STEPHEN HALLOWAY is the Director of ILI’s Center for Comparative Legislative Management. He has over 35 years of experience in senior legal and policy positions in the U.S. Government, the U.S. Senate, State legislatures, the United Nations and the Inter-American Development Bank. He was Chief Regulatory Officer for the U.S. Department of Commerce and a civil rights attorney in the U.S. Department of Justice. He serves on the Private Advisory Council to the State Legislative Leaders Foundation.
PROFESSIONAL DEVELOPMENT INITIATIVE
OUR ALUMNI ARE OUR GREATEST ASSET

The ILI has created the Professional Development Initiative to provide ILI Alumni with continual training on soft-skills development in the areas of leadership, management, negotiations, and communications. These trainings are free to ILI Alumni as well as friends of the ILI and are attached to ILI Alumni events.

The ILI relationship with our Alumni goes on long after the training ends. We visit participants in their country to see how they are doing, provide additional training in cross-cutting areas on management, and most importantly assemble the ILI alumni so they can network with each other. ILI alumni are always pleasantly surprised to learn how many people from their country attended ILI, the leadership positions that ILI alums occupy in their government, or that ILI has been training officials from their country since the 1970s.

An ILI training is an opportunity to build relationships, friendships, and networks.
REGISTRATION INFORMATION

To apply for a seminar, each candidate must complete an application, available at our website www.ili.org. A current resume / curriculum vitae, supporting essay, and contact information for supporting officials and/or agencies must be provided with each application.

Upon receipt of a completed application and approval by the ILI, a letter of acceptance will be issued to the candidate by email. A tuition invoice, hotel registration form, and pre-arrival information will be provided with the admission packet. The International Law Institute strongly encourages candidates to apply as early as possible.

The International Law Institute reserves the right to cancel any seminar if the number of candidates is insufficient. The ILI will notify each registered participant of any cancellation as soon as the decision is made. In the event that the ILI cancels a seminar the ILI will refund any monies paid towards tuition. The ILI will not be responsible for any costs associated with preparations for the trip to Washington, DC including costs associated with visas, airline tickets, hotels, and other accommodations.

Submission of an application does not guarantee acceptance.

TUITION AND DEPOSIT

The Tuition fee for each seminar can be found throughout this catalog or on our website. The fee, payable in U.S. dollars, includes seminar instruction, books and/or reference materials, site visits (where applicable), and social events organized by the ILI. The fee does not include the cost of airfare, hotel, meals, and other incidental costs. Each participant’s organization or nominating agency should allocate an appropriate per diem amount to cover these expenses.

A USD $1,000 advance deposit per participant must be made at least ten business days prior to the start of the seminar to guarantee participation. The deposit is refundable up to five days before the seminar; after that time, deposits will not be refunded regardless of whether the participant attends the seminar. In such an event, any non-refunded balance for non-attendance may be applied to that candidate’s future participation in an ILI seminar. The balance of tuition is payable to the ILI or before the first day of class and can be made via wire transfer, a company check drawn on a U.S. bank, traveler’s check, money order, or cash. The ILI also accepts both VISA and MasterCard for tuition payments.

VISAS

Candidates who need a visa to travel to the U.S. must apply at the U.S. Embassy or Consulate in their respective countries and, in many cases, appear for an interview. Obtaining a U.S. visa could take anywhere from a few days to a few months. Therefore, candidates should request approval from their employers and apply for a U.S. visa as soon as practicable to secure all necessary documents for their trip to Washington, DC.

The ILI will provide approved applicants an admission letter which may be used to support a visa application. The International Law Institute has absolutely no input and can exert no influence over the outcome of the visa process.

For a full list of U.S. missions abroad, visit http://usembassy.state.gov.

INDEPENDENCE AND SCHOLARLY DISCUSSION

ILI is an educational institution that seeks to inform and educate ILI participants regarding international best practice in law and policy, so as to enable them to draw comparisons to laws and practices in their own countries. ILI does not engage in legal practice, nor in political activities, provide political consulting services, or otherwise represent the interests of participants before the US government. Any interactions with US Government officials may not be used to seek in any way to influence or persuade officials to alter US laws or policy. That is not part of ILI’s educational mandate.
ACCOMMODATIONS

The International Law Institute can assist participants with hotel bookings if using one of the ILI's designated hotels. If participants wish to take advantage of this offer, they must submit a completed hotel reservation form to the Program Administrator no fewer than 10 days prior to the start of the seminar. Payment for the hotel is the responsibility of the participant. Participants are free to stay elsewhere but will be solely responsible for the arrangements.

AIRPORTS

The closest national airport to the International Law Institute is Ronald Reagan Washington National Airport (DCA) located five kilometers south of downtown Washington, DC. The closest international airport is Dulles International Airport (IAD), located approximately 50 kilometers west of downtown Washington, DC. The ILI recommends the use of taxis to travel between these airports and Washington, DC.

INSURANCE

Participants are required to obtain their own travel, health, and other insurances.

LANGUAGE OF INSTRUCTION

All seminars are conducted in English. Each participant is required to participate in seminar discussions and must, therefore, be fluent in understanding, speaking, and reading English.

With advance notice and for an additional fee, the International Law Institute can arrange translation services.

FAMILIES

If accompanied to Washington, DC by family members the International Law Institute asks that participants make independent arrangements for these individuals during class time. Washington, DC and the surrounding areas have a wealth of opportunities for exploration and the International Law Institute does not have the facilities to accommodate non-participants.

Further, participants need to be focused during class sessions to fully engage with the material.

CERTIFICATION

Upon successful completion of the seminar, each participant will be awarded a Certificate of Completion. Successful completion requires that the participant diligently attend all seminar sessions (including site visits, team meetings, and other such activities) on time and prepared. Additionally, participants must complete all assignments, participate in all group exercises, and engage in relevant discussion.

If a participant misses a number of sessions without good reason the International Law Institute reserves the right to withhold certification.

DISCOUNT POLICY

INDIVIDUAL ALUMNI DISCOUNT

International Law Institute alumni receive a 10% discount on tuition to future seminars. This discount is only available to individual participants and not to those who have attended the ILI as part of a delegation. Alumni must self-identify on their application to receive the discount.

INSTITUTIONAL DELEGATION DISCOUNT

To celebrate our institutional partners, for every five paid participants an institution sends to an ILI seminar they will receive one free tuition to that same seminar.
THE ILI ADVANTAGE

The International Law Institute provides a unique opportunity to all our participants – the ability to learn practical knowledge and skills from world-renowned experts while building professional relationships with similarly situated practitioners from across the globe.

The ILI strives to provide the best opportunities for professional and personal growth such that our participants can return home with the tools and understanding required to truly foster prosperity through the rule of law.

Participants from diverse backgrounds facing both similar and divergent professional challenges cooperate in our classrooms to engage with our expert faculty and derive excellent results from every seminar. Each attendee to an ILI seminar brings an undeniable asset to the classroom – their own unique skills, knowledge, and perspective. Through this combination of expert faculty, dedicated staff, and engaged participants, the ILI continues to deliver invaluable training to governments and practitioners throughout the world.

At the ILI, participants arrive as colleagues and leave as friends.

The International Law Institute is headquartered in Washington, DC, the seat of the U.S. federal government and home to numerous multinational organizations and world renowned institutions. Among these are the World Bank, Brookings, the CATO Institute, Georgetown University, the George Washington University, the U.S. Supreme Court and other federal and regional court systems, the International Diplomatic Corps, and leading global law firms.

By virtue of this location the ILI regularly calls upon leading experts from these organizations to share their expertise and experience. These experts provide a strong foundation for our seminars and are invaluable to learning and professional advancement.

The International Law Institute is physically situated in the Georgetown neighborhood of Washington, DC. Georgetown is within walking distance to most historic sights including the Smithsonian Museums, National Monuments, White House, and the U.S. Capital.
**ALTERNATIVE DISPUTE RESOLUTION**

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<th>Event</th>
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<tr>
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<td>Arbitration and Mediation</td>
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**FINANCE**

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<td>Cross Border Insolvency: Impact and Strategies</td>
<td>April 22 - April 26</td>
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<td>Finance in International Development - Foundations</td>
<td>May 6 - May 10</td>
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<td>Capital Markets: Foundations of Development and Regulation</td>
<td>October 7 - October 11</td>
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<td>Capital Markets: Development and Regulation</td>
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<td>Public Private Partnerships Financial and Risk Analysis</td>
<td>November 18 - November 22</td>
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**LAW AND THE JUDICIARY**

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<td>The Fair and Effective Trial Judge: Methods and Techniques</td>
<td>July 29 - August 2</td>
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<td>Judicial, Court, and Case Management for Judges</td>
<td>July 29 - August 9</td>
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<td>Court and Case Administration for Court Administrators</td>
<td>July 29 - August 9</td>
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<td>Effective Prosecution of Financial Crimes, Human Trafficking, and Cybercrime</td>
<td>August 5 - August 9</td>
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**LEADERSHIP AND MANAGEMENT**

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<td>Leadership and Management in International Development</td>
<td>March 18 - March 22</td>
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<td>Negotiations in International Development</td>
<td>March 25 - March 29</td>
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<td>Combined: Leadership, Management, and Negotiations</td>
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<td>Women in Leadership and International Development</td>
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**LEGISLATIVE**

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<td>Advanced Legislative Drafting</td>
<td>March 11 - March 22</td>
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<td>Legislative Strategic Management</td>
<td>September 23 - October 4</td>
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<td>Workshop on Legislative Drafting</td>
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**PROCUREMENT**

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<td>International Public Procurement</td>
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<td>International Procurement of Consulting Services</td>
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<td>Country Procurement Systems</td>
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<td>Procurement Integrity: Prevention, Investigation, and Prosecution of Fraud</td>
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<td>December 9 - December 13</td>
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**PROJECT LIFECYCLE**

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<td>FIDIC Contracts</td>
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<td>Project Preparation, Analysis, Feasibility, and Financing</td>
<td>April 1 - April 12</td>
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<td>Project Development for Power and Renewable Energy</td>
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<td>Project Monitoring and Evaluation</td>
<td>May 6 - May 17</td>
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<td>Project Finance Techniques: Applications and Recent Developments</td>
<td>May 27 - May 31</td>
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<td>Contract Administration</td>
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<td>Project Management</td>
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<td>Public Private Partnerships and Infrastructure Finance</td>
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<td>Public Private Partnerships and Infrastructure Finance (for Lawyers)</td>
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<td>Contract Drafting in English</td>
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**TRADE AND INVESTMENT**

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<td>Fundamentals of Investor-State Arbitration</td>
<td>December 2 - December 6</td>
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<td>International Investment Treaties and Investor-State Arbitration</td>
<td>December 2 - December 13</td>
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<td>Multilateral and Regional Trade Agreements</td>
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<td>The Trade Facilitation Agreement &amp; Other Important Customs Issues, Negotiation of Trade Agreements</td>
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<td>Combined: Multilateral and Regional Trade Agreements &amp; The Trade Facilitation Agreement &amp; Other Important Customs Issues, Negotiation of Trade Agreements</td>
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**SPECIALIZED PROGRAMS**

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<td>Understanding and Negotiating Transmission Service Agreements</td>
<td>April 15 - April 19</td>
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<td>Understanding, Drafting, and Negotiating Contracts</td>
<td>April 29 - May 3</td>
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<td>Antitrust and Competition Laws: Foundations and New Developments</td>
<td>June 3 - June 7</td>
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<td>Legal English and Legal Writing</td>
<td>July 15 - July 26</td>
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<td>Orientation in the U.S. Legal System and Business Law</td>
<td>July 29 - August 9</td>
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<td>Advanced Oil, Gas, Power, and Sustainable Energy</td>
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<td>Governance &amp; Anticorruption Methods: Effective Policy and Enforcement</td>
<td>November 4 - November 15</td>
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