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Introduction

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Introduction

ROGER P. ALFORD*

The year-in-review project is unique in academic literature. There is no loss of print outlining the mundane and rather pedestrian black letter rules of international law. There also is a cornucopia of books and articles with normative analysis of where international law *should* be headed in the coming years. But the year-in-review project stands alone in attempting in one volume to actually describe on an annual basis what happened in international law from the perspective of an American practitioner.

Given this objective, the reader will note that the style is different from many other law review articles. The contributors are requested to succinctly detail the significant developments in the respective field, assiduously favoring description over analysis. Anything else and we will lose the unique contribution offered by this volume.

A brief perusal of this issue will attest to the vibrancy of international law. With hundreds of pages of developments outlined in this issue, attempting to assign particular importance to one development over another is a doomed task. But one can at least glimpse the variety and sweep of change.

Of course, September 11, 2001 loomed large. The Immigration Committee outlines changes in immigration as a result of the terrorist attacks, while the Aviation Committee outlines new legislation to promote air transportation safety. The Institutions Committee outlines the United Nation's response to the attacks, and the Arms Control Committee provides a tremendously useful outline of the impact of the attacks on national and international security. And regarding prosecution of terrorists, that Committee also reminds us of the need for law to protect the lawless, quoting Bolt's colloquy that, for our own safety's sake, if necessary we must give the Devil himself the benefit of the law.

On the investment front, the Anti-Corruption and Investment Committees discuss significant developments on the implementation of the OECD Bribery Convention and similar conventions, including new attempts for future action to combat fraud and corruption. In addition, in the investment section of the arbitration report, developments regarding investment arbitration under NAFTA are reported, including confidentiality, *amici* presentations, and national court set aside proceedings.

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On the litigation front, the Litigation Committee outlines the continual march forward in international litigation, including case law on personal jurisdiction, sovereign and head of state immunity, discovery and service abroad, parallel proceedings, and anti-suit injunctions, to name but a few timely topics. Likewise the Arbitration Committee discusses recent decisions addressing a foreign judgment confirming a foreign arbitral award, challenges to enforcement of awards and attempts to enforce agreements against non-signatories. Arbitration also featured prominently in the Tax Committee report, with new emphasis on alternative dispute resolution to resolve tax disputes.

A number of committees address the burgeoning case law emanating from international tribunals. The International Courts and Tribunals Committee reported on developments with the International Court of Justice, the United Nations Compensation Committee and other reparation tribunals, while the International Trade Committee discussed major WTO decisions and the Criminal Committee reported on key cases before the ICTY—including the Milosevic trial—as well as the establishment of the new International Criminal Court.

Finally, human rights litigation remains a top priority, as discussed in the Cultural Property, Human Rights and Employment Committees' reports. These reports discuss cases addressing issues ranging from Holocaust-era stolen art, to death penalty extradition to race discrimination under the Alien Tort Claims Act, to the extraterritorial effect of the Age Discrimination in Employment Act.

One could highlight numerous other developments. I have omitted altogether any reference to a number of new treaties that have been proposed, new Supreme Court limitations on *Chevron* deference, the Bush administration's response to various environmental agreements, the legal ramifications of the conflict in the Middle East, and dozens of other noteworthy steps forward and backward. I have only highlighted a few that drew my immediate and particular attention. I encourage you to read carefully those reports addressing your specialty and peruse the others as part of your continuing legal education. In so doing, you will catch a glimpse, but only a glimpse, of the breathtaking pace of developments in international law.