

# INTERNATIONAL LEGAL DEVELOPMENTS IN REVIEW: 2003

## Introduction

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The goal of the year-in-review project is to provide a thumbnail sketch of the key developments in international law. It is intended to serve as a research tool for practitioners, academics and students of international law to answer the simple question: what happened this year? What began as a “noble experiment” has become an institution. Almost every Committee of the Section now recognizes that one of its principal duties is to report to the legal community on the developments of the past year. This year is no exception. So voluminous were the submissions that again we were forced to publish the Foreign Law contributions in this Fall issue of *The International Lawyer*. For complete coverage of the developments in 2003, I encourage reading the summer and fall issues together.

There is far too much to say regarding all the country reports and all the country developments in this issue. I outline only a few of the many salient topics discussed herein.

Developments in several key European countries are highlighted in the report by submitted by the European Union Committee. These developments include the admission of ten new members to the EU, bringing it to 25 members and a population in excess of 450 million. As the EU was broadening, significant developments were afoot to deepen the relationship among the Member States. The proposed EU Constitution would have radically modified the voting procedure for passing EU legislation, establish a longer-term presidency, and increased foreign affairs powers for the EU. Such efforts came to naught as the Members States were unable to secure agreement on the EU Constitution by year’s end. Less momentous developments in the European Union included new legislation on competition procedures, a new takeover directive, and reform of EU merger control policies and procedures.

Within national systems in central Europe, a number of countries passed significant legislation, as discussed in the Central Europe Committee Report. These include, among other things, new constitutional, commercial, telecommunications, energy laws in Bulgaria, new laws in Croatia pertaining to labor, civil procedure, companies law, bankruptcy, and consumer protection, new Czech tax and duty laws, new bankruptcy and energy laws in

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Estonia, and a new constitution in Romania. This report underscores the continued initiatives by central European countries to enhance the rule of law through broad civil legislation that will improve the economic viability of these countries.

As set forth in the China Committee Report, there a number of important developments in that country that will mark an improved economic and investment environment, including new free trade agreements, new free trade zones, new intellectual property relating to patents, trademarks, and copyrights, and new financial services law relating to banking, securities, telecommunications, insurance, and mergers and acquisitions.

Among the more interesting reports is the Middle East Report on countries as diverse as Afghanistan, Algeria, Tunisia, Turkey and Iraq. What is particularly useful in reviewing the Afghan and Iraqi sections is the legal architecture that is developing in those countries to secure meaningful rule of law regimes. The pedestrian issues addressed in this report relating to topics such as banking, foreign investment, and telecommunications laws offer a stark contrast to the general reports coming out of those countries that focus on political and military engagements.

Alas, the Africa Committee report was unusual in its emphasis on human rights concerns on that continent. It underscored the continuing turmoil there and the lack of significant economic developments there as compared to other countries under review. This report reads as a virtual litany of misery and deprivation of fundamental rights with little hopeful signs on the horizon.

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