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Editor's Page

Robert E. Lutz

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Editor's Page

This is an unusual issue of *The International Lawyer*. In both size and content it differs from recent past issues. The nearly 100 extra pages allow exploration of important and, in some cases, controversial developments in international law practice, and the fine quality and scope of work done by committees of the Section of International Law and Practice is evidenced by a number of articles published here. Permit me to introduce the issue to you.

Article Symposia

The practicing bar has recently benefitted from a spate of articles and symposia on the subject of international arbitration, but the literature has rarely provided analytical case studies of important arbitrations. The articles presented here as a symposium do just that by focusing on two different arbitrations: one public and the other private. Each case is an important contribution to international law precedents.

Ms. Selby and Mr. Stewart, in their article, provide readers with a unique opportunity to view the process of international arbitration of the public type. The authors, from their vantage point in the Office of Legal Adviser, are directly involved with the Iranian Claims and offer important insights into the workings of this unusual international arbitration. Pre-publication use of this article by claimants for appearances before the Tribunal attests to its timeliness and utility.

Little has been written in English about the Aminoil arbitration award of 1982, even though it addressed such significant issues as the proper law of state contracts, the renegotiation of long-term investment agreements, state/investor coercion, the right to nationalize in the face of stabilization clauses and the measure of compensation for nationalization. Mr. Tschanz's article on that award, derived in part from his former involvement in

*Editor-in-Chief; Professor of Law and Director of Foreign Programs, Southwestern University School of Law.

assisting Aminoil counsel on several aspects of that case, brings to readers an intimate understanding of this arbitration.

For the second time in as many issues of Volume 18, I am pleased to offer readers a second symposium. "Doing Business in Mexico" explores the facts and law associated with our southern neighbor's most serious financial crisis in its modern history. Given the importance of this topic for U.S. investment in and trade with Mexico, as well as the significance the crisis may have for economic difficulties being experienced by other Third World nations, articles from authors whose practice involves these concerns were generated and edited for publication with Lyon Brinsmade's kind assistance.

Special Report

The "Report of the Committee on Grenada" deviates from the journal's usual content of recent years, which has largely focused on matters directly affecting an international law practice. Our Section is in a unique position to assist the development of the role of law in the world in various ways. When the Section addresses such concerns, *The International Lawyer* will be a forum for disseminating these discussions.

Controversy will undoubtedly surround this Report, as it has the action inspiring it. Indeed, the response of the Legal Adviser to the Department of State, which follows the Report, and is included with Mr. Robinson's permission, takes issue with a number of its points. Although I advise readers that the Report does not necessarily represent the position of the Section's Council or its members, I hasten to add that the Report poses and analyzes probing questions about the role of international law in guiding a world regularly unsettled by the interventionist acts of states. I hope the Report will promote and improve the discussion of such an important concern.

Short Articles

In the Commentary and Short Article section of this issue, the reader will find a number of interesting contributions. Mr. Acheson, who practices in Washington, D.C., initially presents a helpful assessment of congressional efforts to facilitate the development of export trading companies so successful in foreign countries such as Japan. His analysis of the process and problems of the Export Trading Companies Act "a year downstream," as he puts it, offers a useful guide and current report of its status.

In the works of Professor Sohn, the eminent international law scholar and Council member of this Section, and Mr. Chessman of the Ohio Bar and a member of the Section Committee on the Restatement, the reader will be exposed to some of the variety of international law interests to which the Section directs itself. Professor Sohn's carefully prepared study of "Interdic-

tion of Vessels on the High Seas," was first prepared as a report for the 1983 Annual Meeting in response to international law concerns associated with U.S. actions to intercept ships carrying Haitian refugees. Despite its rather specific focus, the study addresses the broader issue of the legality to interdict foreign vessels owned by U.S. nationals—a question of practical significance to a larger audience.

In Mr. Chessman's article, the draft *Restatement of Foreign Relations Law of the United States (Revised) (Draft Restatement)* receives its first assessment in the pages of *The International Lawyer*—although some of its controversial aspects have been raised in other publications of the Section, specifically the *International Law News*, and its progress has been generally reported in other publications such as the *American Journal of International Law*. Despite the potential significance and wide impact of these proposed drafts of the revised *Restatement*, they have generated discussion primarily within the ranks of only the American Law Institute. It is the feeling of the Section leadership and its specially formed Committee on the *Draft Restatement* that wider exposure and discussion is needed. Toward that end, the Chessman article is presented here, addressing one important and controversial aspect: the development of customary international law and its relationship to treaty-made law. I hope this article will not be the last on the *Draft Restatement*, and that it will stimulate further discussion on this topic.

One topic to which authors have addressed themselves in earlier issues of this journal has found a response from Professor Rosett in his dissenting view on the proposed Convention for the International Sale of Goods. Reacting to the Symposium on that Convention appearing in the Winter 1984 issue of *The International Lawyer*, he argues against ratification of the Convention in its present form. By presenting several arguments supporting his position, he should whet readers' appetites to critically examine this significant development which is now before the Senate for its advice and consent.

Last, Mr. Jalili, a member of the Illinois Bar working in the London office of a New York-based law firm, has prepared a brief article on the application of United Kingdom immigration laws to the entry of businessmen and investors. Mr. Jalili's experiences in this area, evidenced by a number of observations made in his article, should make it of practical value to many of our readers and a nice complement to an earlier *TIL* article (volume 17, at pages 535–551) on United States immigration laws concerning the entry of international business investors.

Current Developments

Reserved to the Current Developments section of this issue are those articles that briefly update readers on significant legal events. For example,

Associate Editor Williams effectively initiates what is hoped to be a regular feature in *The International Lawyer* on congressional developments. Mr. McKenzie follows with his article on the new licensing requirements and policies for exports to the People's Republic of China. As Mr. McKenzie points out, although the reclassification of the PRC to Country Group "V" and thus into substantial conformity with requirements for exporting technology to noncommunist countries, significant exceptions apply in the case of China exports. His article identifies these and advises exporters of technology of various problem areas.

In subsequent issues, recent significant U.S. judicial decisions, administrative developments in specialized practice areas, and legal developments in other countries will be featured. Authors whose expertise enables them to contribute to our readership's understanding of developments in relevant areas of the law, are invited to contribute to this part of the journal.

Bibliographies

Readers, and indeed this Editor, are grateful to Mr. Weisbaum's continuing contribution of selected bibliographies to *The International Lawyer*. These have been one of the most popular features of the journal. Also included in these selected readings are books received for review by the Editor.

In an effort to improve upon a good thing, I have tried to modestly expand this feature by offering selected bibliographies on specific topics, usually to supplement articles or topics in the particular issue. The librarians at Southwestern University School of Law have been extremely generous with their assistance, by producing several of these bibliographies and by responding to my incessant need for information and sources that only they seem to be able to find.

I owe a special debt of gratitude to the Head Law Librarian at Southwestern University, Ms. Linda Whisman, who helped prepare, with Stephen Boyd, the bibliography on export controls contained in this issue and compiled the one on the domestic use of human rights law in the last issue. If that was not enough, she willingly undertook the task of preparing the index for volume 17. The index was unfortunately omitted from the first issue of this volume due to the normal problems of transition from editor to editor.

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In my brief experience as Editor of this journal, I have had what might be called an embarrassment of riches: quality articles, cooperative authors, and the willing and helpful assistance from many. But I have also known a few desperate moments when I didn't know what would be in the next issue and author and editorial deadlines weren't being met. I have quickly learned

that the editor can never let down; in that regard, I continue to encourage readers, especially Section members, to write for the journal.

With my sights now set on the next issue, I hope you enjoy this one; it was certainly enjoyable bringing it to you.

