

Foreword

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We have entered the third millennium through a gate of fire. If today, after the horror of 11 September, we see better, and we see further—we will realize that humanity is indivisible. . . . The idea that there is one people in possession of the truth, one answer to the world's ills, or one solution to humanity's needs, has done untold harm throughout history—especially in the last century. Today, however, even amidst continuing ethnic conflict around the world, there is a growing understanding that human diversity is both the reality that makes dialogue necessary, and the very basis for that dialogue.¹

The year 2005 marks the tenth anniversary of the formation of the World Trade Organization (WTO), an organization that has played a pivotal role in the policy of economic globalization. While it is generally accepted that globalization is a hallmark of the 21st century, there is no universally agreed upon definition for globalization—the word means vastly different things to different people. Globalization is often viewed as predominantly an economic process involving the movement of goods, jobs and capital across international borders. Proponents consider economic globalization as a means of lifting developing countries out of poverty through increased free trade, capital investment and technological development.² Opponents generally view economic globalization as serving the interests of multinational corporations at the expense of human rights, workers, and the environment.³

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1. Kofi Annan, Secretary-General of the United Nations, Nobel Prize Lecture (Dec. 10, 2001), *available at* <http://nobelprize.org/peace/laureates/2001/annan-lecture.html>.

2. Consultative Board Report, *The Future of the WTO: Addressing Institutional Challenges in the New Millennium* 10-12 (2004) [hereinafter *The Future of the WTO*].

3. *See generally* MARTIN KHOR ET AL., *VIEWS FROM THE SOUTH : THE EFFECTS OF*

An alternate view holds that globalization is a process that spreads the social underpinnings of modernity (capitalism, industrialization, technological development, etc.) across the globe. Many in the developing world reject this notion of “globalization as westernization” as a threat to indigenous cultures, values and social norms.⁴ In its most extreme form, this rejection may take the form of terrorism, particularly in cases where religious fundamentalist movements feel threatened by the imposition of Western cultural and economic values.⁵

Jan Aart Scholte contends that globalization is fundamentally about increasing connections between people on a transworld basis.⁶ In Scholte’s view, globalization can be seen as the growth of supraterritorial social connections not linked to territorial geography, creating global spaces co-existent with territorial spaces.⁷ Such connections have the potential to radically reshape our historically territorial notions of state sovereignty.⁸

The articles appearing in Volume 7 of *San Diego International Law Journal* span the globe and cover the breadth of international law. The concept of globalization offers a prism through which to view the articles in this issue. The first three articles are focused on Africa. Nsongurua Udombana eloquently addresses the need for both debt relief and the full integration of Africa into the global trading system. The author also argues that a transformation of African leadership is essential to resolve the persistent problems of poverty on the African continent. Karol Boudreaux analyzes the conflict over land rights in Nigeria’s Plateau State under the Land Use Act of 1978, which nationalized all land in Nigeria. This conflict, which is exacerbated by ethnic and religious tensions, can be seen as a microcosm of global conflicts over

GLOBALIZATION AND THE WTO ON THIRD WORLD COUNTRIES (Sarah Anderson ed., 2000).

4. See, e.g., Mahmood Monshipouri, *Identity and Human Rights in the Age of Globalization: Emerging Challenges in the Muslim World*, ZAMAN ONLINE, May 2, 2005, <http://www.zaman.org/?bl=commentary&trh=20050805&hn=20354>; see also Amartya Sen, *How to Judge Globalism*, 13 THE AMERICAN PROSPECT, Jan. 1, 2002, at A2–5.

5. Audrey Kurth Cronin, *Behind the Curve: Globalization and International Terrorism*, 27 INT’L SECURITY 30, 30, 51 (2002), available at http://bcsia.ksg.harvard.edu/BCSIA_content/documents/88504_cronin.pdf.

6. Jan Aart Scholte, *The Sources of Neoliberal Globalization* 3 (U.N. Res. Inst. for Soc. Dev. [UNRISD] Overarching Concerns Programme Paper No. 8, 2005), available at <http://www.unrisd.org/> (follow “The Sources of Neoliberal Globalization” hyperlink under “Latest Publications”).

7. *Id.* at 4.

8. Benjamin R. Barber, *Jihad vs. McWorld*, 269 THE ATLANTIC MONTHLY (1992), (noting that the resurgence of tribalism, coupled with homogenization caused by globalization pose a threat to traditional notions of state sovereignty); but see The Future of the WTO, *supra* note 3, at 29–30 (asserting that the issue of sovereignty is raised to justify special interest advocacy over the greater good).

resources. Edward Fluet discusses the impact of the trade in conflict diamonds on human rights and international terrorism, and analyzes international and U.S. approaches to halting the conflict diamond trade.

Also in this issue, Amos Guiora surveys the legislative and policy approaches adopted by the United States, Israel, Russia, Spain and India in response to the threat of international terrorism, and proposes the globalization of counterterrorism measures. Christopher Bordelon proposes modification of the traditional law of salvage and finds, but argues against the efforts of preservationists that impede salvage, including the recently adopted UNESCO Convention on the Protection of the Underwater Cultural Heritage. Jorge Vargas discusses the importance of both international law and foreign law in American courts, and highlights the impact of Mexican law on the U.S. legal system. Finally, Juan Fogelbach addresses the phenomenon of transnational street gangs, in particular the El Salvadoran street gang Mara Salvatrucha.

These articles, taken together, reflect both the diversity and commonality of human experience. We hope they will also serve to illuminate challenges faced by our increasingly global world.

