

## Introduction

This is the tenth annual year-in-review issue of the *International Lawyer*. Writing in 1997 as editor of the first of these issues, Bob Lutz emphasized the desirability of regularly reviewing past legal developments in order to anticipate future developments.<sup>1</sup> In his introduction to that issue he made three observations.<sup>2</sup> Developments in the year 1996, he wrote, illustrated “the wide-ranged scope and extent of activity occurring in international public and private lawmaking and compliance efforts.” They also demonstrated the “complexity of the field, loosely called ‘international law.’” Finally, he noted the significant role played by the United States in many of these developments and he observed that “[t]his power to influence the international lawmaking process is burdened with a responsibility to use this authority to build a better society for all countries and peoples.”

Looking back at a decade of year-in-review issues we endorse without reservation Bob Lutz’s emphasis on the desirability of reviewing past legal developments. And we apparently are not alone in doing so. What may have started as a curiosity for busy practitioners has now become a highly practical exercise for a growing number of readers, including lawyers, judges, and academics. That the leadership of the Section of International Law has recognized the practical importance of the year-in-review issue is demonstrated by encouraging all committees to prepare annual surveys for publication in the issue.

Surveying the more recent developments in 2005 reported in this issue, we echo most of Bob Lutz’s earlier observations. If anything, the volume of lawmaking and compliance activities has expanded since he wrote a decade ago. Certainly the field of international law has become increasingly complex with increasing recognition of the role of non-governmental organizations in institutions traditionally the exclusive preserve of States. International law itself is ever more multi-textured, with increasing recognition of norms governing cross-border activities of private entities, whether these norms arise from custom, intergovernmental lawmaking bodies, or national legislation. Only when it comes to observing the role of the United States in the international arena would we qualify Bob’s earlier observation. U.S. institutions continue to play a significant role in legal developments affecting cross-border activities but non-U.S. entities have growing influence. In the arena of public international lawmaking, the United States has sometimes found itself in

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1. Robert E. Lutz, *Introduction to International Legal Developments in Review: 1996*, 31 INT’L LAW. 233, 233 (1997).

2. *Id.* at 234.

dissent or marginalized on important issues. Power, in other words, does not equate with authority. The United States government may have taken on responsibility for spreading democracy but its limited willingness to cooperate with other States has apparently curtailed its influence.

A reader who reads all the previous year-in-review issues at one sitting could no doubt make more complex observations, identifying trends and themes, although we must concede that it is not always possible to trace topics consistently over the decade. The issue relies on the voluntary efforts of busy practitioners. Committees have not always found it possible to identify suitable authors; authors have not always been able to meet publishing deadlines. Moreover, authors frequently change and committees have been restructured. The Year-in-Review editors selected by the Section have also burned themselves out rapidly and, by the very nature of student-edited publications, student editors graduate.

This year, as in previous years, the issue depends on volunteers. We, as editors appointed by the Section, have been blessed with the cooperation of many authors who have met deadlines for the submission of journal-quality contributions complete with footnotes. We have also been blessed with the dedication of the student editors, most notably Meredith Prykryl Walker, the tireless, all-encompassing managing editor. We have also had the benefit of the hard work of Danielle Yaryan, who was thrown in at the deep end when she was appointed as secretary for the International Lawyer in December. Next year's Section editors will miss Meredith's unflappable efficiency and reasoned judgment, but they will have the advantage of a seasoned Danielle.

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