

This Issue

In a way, this issue celebrates the internationality of *THE INTERNATIONAL LAWYER*. The large number of contributions by foreign authors emphasizes the value of foreign perspective to our work and reflects the growing foreign readership of the journal. It is perhaps characteristic of lawyers engaged in international practice to value foreign views and impressions. Undoubtedly, given the luxuries of time, easy access to foreign sources and language proficiency, many readers would like to regularly explore the wealth of information and useful observations that may be gained from abroad. Acknowledging the limited opportunity most of us have to pursue such interests, this issue presents articles which both provide foreign perspective and assist in the practical application of such information.

Symposia

The Symposia commences with Part II of the Symposium on Transnational Litigation and focuses on the extraterritoriality issue, as it has come to be known. But just as there are different perspectives on this issue, there is also a collection of terms used in different jurisdictions to describe the same phenomenon. "Conflicts of jurisdiction" is the term preferred by some, while others refer to it as "excessive claims to jurisdiction." Foreigners may call the legislative response of a state to another state's extraterritorial assertion of its laws a "blocking statute," while domestically the same law is known as "protective legislation" or "secrecy statute," preserving the nation's policy of confidentiality or other sovereign interests. The contributions to Part II also remind us that the scope of transnational litigation includes criminal and administrative matters, as well as civil concerns. Although recent instances of U.S. extraterritoriality have produced notorious reactions from England and France, the Symposium demonstrates that

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

in our interdependent world other countries are also involved and have developed policies to respond to such assertions from abroad.

THE INTERNATIONAL LAWYER is indebted to the response by the many foreign representatives who graciously responded to our request to edit and annotate transcriptions of their earlier statements. A debt of gratitude is also due Ms. Jean Gates, Faculty Secretary at Southwestern University School of Law, who so expertly prepared the transcript from the original tape of the March 8-9, 1984 Institute.

While the outlook for international trade is improving despite a protectionist residue from the recent recession, industrialized and developing nations still impose import restrictions that continue to hamper worldwide trade. The application of national antidumping (AD) and countervailing duty (CVD) laws, can contribute to this problem. In this second symposium article, experts from the U.S. and EEC address some important issues instrumental to the operation of such laws.

With the increased use of countertrade and other trade arrangements with non-market economies (NME), issues of the application of U.S. anti-dumping and countervailing duty laws to such trade arise with some frequency. Drawing on their expertise gained as former officials in the U.S. Department of Commerce's Import Administration, Gary Horlick and Shannon Shuman tell the story of NME treatment under U.S. trade laws. They further indicate the problems with various approaches of treating NME imports and recommend some solutions at a time when Congress is considering revising these laws.

Belgian lawyer, Ivo Van Bael, offers readers a practitioner's observations on the antitrust and antidumping procedures of the EEC. He helpfully contrasts them with procedures more familiar to U.S. lawyers, and suggests approaches for defense lawyers who represent clients subject to them. These procedures and the role of the EEC institutions implementing them are still evolving.

Articles

With the urgency and significance of the rescheduling and syndication of international financial transactions, it is a wonder that there is so little legal literature on the topic. THE INTERNATIONAL LAWYER is pleased to publish an article on the subject by Brian Semkow, a Canadian lawyer with a Ph.D. in Economics. His comprehensive analysis in the article and the selected bibliography on the subject, co-compiled with Debra Johnson-Champ, should make a valuable contribution to the literature.

The Liechtenstein Anstalt, known to most international tax lawyers, receives a thorough review from George E. Glos, who is the European Law

Division's librarian at the Library of Congress. Given the regular infatuation of investors with various tax havens, Mr. Glos' study makes some interesting observations concerning the approaches to corporate taxation that other countries might employ to reduce the attractiveness of such tax havens.

As political and military concerns in Central America and the Caribbean occupy our attention, it is widely acknowledged that economic development in those regions is a key to long-term political stability. Coupled with the article on the Caribbean Basin Initiative in our last issue which assessed the receptivity of Barbados to foreign investment and CBI, the article by Rachelle Cherol and Susana Zalduendo should nicely complement the earlier Zagaris article with up-to-date analyses of the investment laws of ten Caribbean and Central American countries'. The Cherol-Zalduendo article comparatively discusses laws governing market entry, tax treatment, incentives, and the rights and protections afforded foreign direct investment.

Short Articles, Comments and Casenotes

Barbara Reukema, who frequently publishes analyses of developments in International Aviation Law, contributes her thorough analysis of the recent *Franklin Mint Corp.* decision of the U.S. Supreme Court, which addressed the liability limits of the Warsaw Convention. And Don Wallace, with a touching remembrance of Soia Mentschikoff, adds his thoughts echoing those of her many colleagues, friends and students in saying, "We shall miss Soia."

Current Developments

In this section of the Journal, the editors attempt to provide readers with analyses of developments which affect the lawyer engaged in an international practice. Toward that end, they have engaged the voluntary services of two experts on the subject of import law and policy, Judith Bello and Alan Holmer, to provide a series of articles on what many lawyers consider the vagaries of U.S. import laws. In this, their second of the series, Bello and Holmer offer a very useful discussion of several recent import law cases, accompanied by comprehensive annotation and authoritative commentary.

Michael Brandon, who practices English law from Switzerland, prepared a sequel to his 1981 article on developments in English law affecting international transactions. This should be of interest to many of our readership because of the substantial presence of U.S. lawyers in England and the number of transactions having contacts there.

Bibliographies

Earl Weisbaum's bibliography on recent literature in the areas of international and foreign law is always welcome and greatly appreciated. Linda Whisman, colleague and Director of the library at Southwestern, has again contributed a selected bibliography on an important subject area—nuclear arms control. This subject is perhaps the greatest life–death, peace–war issue of our time. Considering the contribution that bilateral negotiations between U.S. and the Soviet Union has made to the progressive development of international law on nuclear arms control in recent years, the editors felt a selected bibliography on this timely subject would be of great interest to our readership. As mentioned above, Debra Johnson–Champ, head reference librarian at Southwestern, collaborated with Brian Semkow to provide a bibliography on the important subject of syndicating and rescheduling international financial transactions. We hope these types of selected bibliographies continue to be useful to you and welcome reader submission of others for publication consideration.

Associate Editor

With this issue, I am pleased to welcome Professor Daniel B. Magraw of the School of Law at the University of Colorado as the new Associate Editor of *THE INTERNATIONAL LAWYER*. Dan brings with him valuable private practice experience and an impressive writing and editorial background. In addition to providing the normal editorial assistance, Dan will initially undertake the task of book review editor and will serve as advertising liaison. S. Linn Williams, the former Associate Editor, had to reduce his time commitment to the Journal when he recently took the position of Vice President and General Counsel for Sears World Trade, Inc. I have appreciated his counsel and friendship during the past year, wish him well in his new position and look forward to his continued support.

Hope you enjoy the issue.

**SYMPOSIUM ON INTERNATIONAL
SALE OF GOODS CONVENTION**

