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EDITORIAL

This volume of the ANNUAL SURVEY OF INTERNATIONAL AND COMPARATIVE LAW constitutes the fourth building block in the foundation of an edifice which, it is hoped, will provide a truly global forum for ongoing discussion of the doctrines, institutions, methodology and current trends of contemporary international law, with recurring references to the use of comparative law techniques in the evolution of international legal norms. In this ANNUAL SURVEY, publicists will meet with privatists and comparativists, international lawyers will meet with their national counterparts from the common-law and the civil-law world as well as from the third legal world where to a greater or lesser degree private law is based on religious principles.

In this fourth volume, a common yarn continues to spin adding to the web formed by three preceding volumes. Progress continues to be made in our studies of socialist countries in Asia, notably China, in the field of intellectual property protection. An encouraging pattern is evolving with further strengthened administrative and judicial authorities to ensure the implementation of national and international intellectual property rights. At global and regional levels, another article is devoted to TRIPs implications for ASEAN in respect of computer technology protection.

A third article deals with UNIDROIT Principles and NAFTA, and analyzes the pressing need for well-balanced rules to govern international trade, particularly in the context of regional economic integration. The fourth and fifth studies touch the connection and interplay between expansion of international trade and environmental protection. An appropriate balance is being sought and has to be maintained. International law must come to the rescue of both liberalization of external trade and protection of global environment through sustainable development. International liability and state responsibility are concurrently formulating their normative contents, both in substance and in procedures for dispute settlement.

While international crimes or crimes under the law of nations are being prosecuted and punished by ad hoc international criminal tribunals, internationally organized crimes continue to cross national frontiers, presenting a real challenge to those responsible for international cooperation in the suppression

and prevention of organized crime. A Japanese study offers a highly resourceful solution to such problems. On the domestic side, another study analyzes the development of the procuracy from a comparative perspective, tracing its civil law origins, and illustrating the depth of the transition process in public law.

Last but not least is one of the ANNUAL SURVEY'S constant themes, the international protection of human rights. Human rights under international law raise by far the most perplexing problems of our time. Attention has been excessively drawn to the implementation of rights and to identification of the beneficiaries of those rights, with very little regard being paid to the corollary obligation incumbent upon the State to recognize and protect such rights. The right to education as a human right is no exception. This right, however, has a different twist in that each child's right to education is entrusted to the parents until the age of discretion is reached. Until then the State, whatever the structure of its legal system, has to ensure a smooth transition from determination by the parents to self-determination. What is even more important, in an objective perspective, is the responsibility of the State and its political subdivisions to provide the kind of education that will enhance the cultural development of every person. The strength of human rights and fundamental freedoms lies in the sincerity and seriousness with which each State, under international control and regulation, is ready, willing and able to abide by the corresponding duty and responsibility it has undertaken under the International Bill of Rights. Unilateral accusations and mutual recriminations outside the competent international human rights bodies are not conducive to the enhancement of human rights.

This year the ANNUAL SURVEY is particularly pleased to be able to gather together in one volume the writings of highly qualified jurists from different parts of the world. The ANNUAL SURVEY is not intended uniquely for American readers. To maintain its international character, the Editors have endeavored to preserve the original intent, style and format of each author while following the traditional U.S. approach of uniform citations. Questions concerning the authenticity of factual assertions based on non-U.S. sources, if any, should be addressed to the authors.