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Editorial

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EDITORIAL

The present volume of the Annual Survey of International and Comparative Law – Volume XXII – consists of articles that discuss and critique current international and comparative law issues. Since the previous volume, recent events in the international community have brought new challenges to the role of international law in maintaining peace across the globe.

Much of the global theatre this past year has been dominated by surmounting tensions between superpowers. The relations between the U.S. and Russia have become increasingly strained since the 2016 U.S. presidential election. Upon investigations led by U.S. intelligence agencies, the CIA, FBI and NSA unanimously concluded that the Russian government ordered an influence campaign in 2016 aimed at interfering with the U.S. presidential election in favor of then candidate Trump.

Post-election, the resultant U.S. political shock associated with the Russian campaign has induced a high level of attrition throughout the Trump administration, with many senior level resignations, including the very public firing of FBI Director James Comey. Following this, in a return to Cold War fervor, the U.S. and Russia both cut diplomatic missions and expelled respective diplomats and their families.

However, beleaguered by the Russian tensions, the Trump administration has attempted many sweeping policy changes ranging from healthcare, defense, and perhaps, most chiefly, immigration. Most noteworthy was the immigration ban implemented in the U.S against seven Muslim majority countries. However, these and other policy changes have been met with hostility, reflecting the torn political climate in the U.S.

A globalized Europe has seen challenges to changing national identities with the combination of increased immigration, refugee displacement, and continued acts of terrorism by individuals. In Germany, the continuing rise of the nationalist voice has become non-negligible with demonstrations and protest becoming commonplace in response to immigration policy, Greek debt, and the British exit of the European Union. While Chancellor Angela Merkel remains favored to continue the platform resolutions she has initiated since 2005, it is not without increasing domestic challenges.

In the U.K., similar challenges to national identity have manifested directional changes in the form of the so-called Brexit, the British exit from the European union, and the election of conservative party member Teresa May, a so-called 'One-Nation' conservative. Her administration's initiatives and new policies continue to support a stronger national identity.

In contrast, France, who has seen the same or perhaps a greater level of immigration, refugee displacement, and terrorist incidents, has responded to the resultant rise in nationalist unrest with the majority election of an independent, pro-refugee, pro-immigration President, Emmanuel Macron. While still facing nationalist opposition, France remains committed to a working European Union and expanding cooperative foreign relations, including goodwill and bilateral initiatives with former colony states, such as Algeria.

The African continent is not left out of various national and continental controversies touching on international and comparative law. Some of the issues relate to the rule of law, good governance, democracy, elections and quest for the right of self-determination. The recent Presidential election in Kenya remains unresolved. The country's Supreme Court upturned the declared result as being in-conclusive and ordered that it is repeated. In Nigeria the issue of self-determination for the people of Biafra has re-appeared. As a student of International law and comparative law over a period of fifty-three years during which time I examined the question of self-determination of peoples extensively in my doctoral dissertation, I remain very confident that peaceful dialogue, rather than the use of force remains the best way to settle the demand for self-determination of the people of Biafra of Nigeria.

Asia also saw a greater increase in interstate disputes this year. India and China, which have disputed land ownership rights to territories running the border from Kashmir to the Himalayas since the 1962 Sino-Indian War, saw a stand-off along part of their shared Himalayan border. Both superpowers have recently deployed more troops to the border region after China initially attempted to start construction on a border road in a disputed plateau lying between China, India and Bhutan. Worsening tensions in Asia and abroad, the Korean peninsula saw a great deal of activity this year. From North Korea testing several intercontinental ballistic missile types over Japan and the region, to successfully testing and demonstrating missile compatible nuclear warheads, including a hydrogen bomb. While increased sanctions from the international community and increased military preparedness exercises have not as of

yet been effective in deterring a nuclear North Korea, the U.S. and United Nations are considering stronger military actions.

South Korea, aside from the escalated threat of the North, has also seen increased internal turmoil. In 2016, South Korea experienced a massive corruption scandal that led to its first female president, Park Gun-shy, being officially ousted by parliament in March 2017, following mass protests calling for her impeachment. South Korea's first democratically elected president to be impeached; Park lost her presidential immunity and is on trial for bribery, abuse of state power and leaking state secrets. As a result, there has been increased discontent among South Koreans against the government and the political elite. Newly elected President Moon Jae-in, former human rights lawyer, is prioritizing South Koreans first by taking a strong stance against any unilateral military action against North Korea without South Korean agreement.

Differently impacted by the international tensions, and with migration related national identity challenges of its own, the Gulf States of the Middle East saw an eventful year. With a historic \$350 Billion USD United States-Saudi Arabia arms deal, a \$9 Billion USD equity purchase by Qatar's Sovereign Fund and China's CEFC China Energy Co. of Russia's oil leader, Rosneft PJSC, and Rosneft's subsequent \$12.9 Billion USD purchase of India's Essar Oil, the region has largely benefitted economically from bilateral engagements. Geopolitically, the international tensions have had less beneficial results. Officially citing state supports for terrorist & regionally destabilizing activities, Saudi Arabia, Bahrain, UAE, and Egypt officially cut diplomatic ties with Qatar. While isolating the country within the Gulf region, the 2017 Qatar Diplomatic Crisis further aligned Qatari interests with that of Turkey and Iran, furthering greater regional tension. While the Arab Spring movement appears to be largely over for the region, the continued threat of terrorist groups and large migrant worker populations creating minority Arab populations within the Middle East continues to challenge the face of national identities of Middle Eastern states. The emergence recently of the Asian Society of International Law, a still small but admirable group of lawyers advocating views from the standpoint of the Asian hemisphere is a happy and welcomes development.

These issues impact international and comparative law. The Annual Survey of International and Comparative Law strives to address and resolve these global challenges by way of dissemination and spreading wider appreciation of the rules of international law through the publication of studies, articles, papers and notes submitted to it and

selected on the basis of current relevancy, topical significance and geographical, as well as systematic, distribution. Based on these guidelines, Volume XXII includes a variety of topics that correspond with the need to keep the legal public apprised of the current trends in international and legal developments.

The present volume contains the following articles: Responding to Homegrown Terrorism: The Case of Boko Haram; Accountability of International NGOs: Human Rights Violations in Healthcare Provision in Developing Countries and the Effectiveness of Current Measures; Theoretical Underpinnings of Trust Investment Law: Juxtaposing Nigerian Law with Current Trends in Other Common Law Jurisdictions; Human Rights Abuse and Violations in Nigeria: A Case Study of the Oil-Producing Communities in the Niger Delta Region; Combating Domestic Violence in Bangladesh: Law, Policy and Other Relevant Considerations.

As observed in preceding volumes of the Annual Survey, the present volume cannot cover all aspects of international and comparative law issues. However, Volume XXII modestly attempts to touch upon some pertinent topics with the hope that subsequent volumes will carry on the work of keeping the Annual Survey's audiences abreast of developments in international and comparative law.

The Annual Survey accepts and publishes articles from all jurisdictions across the globe, and thus, it may retain and reflect the writing style of each individual writer. This gives the Annual Survey a rich and unique content. However, in presenting the articles, the Annual Survey may adhere to the traditional United States practice of uniform citation. The Annual Survey is open to comments and suggestions for improving the journal in various aspects. The journal accepts manuscripts on topics relevant to the field of international and comparative law. The views expressed in the articles published in the Annual Survey are exclusively those of the individual authors and are not to be taken as representing the views of the Board of Editors, the Board of Editorial Advisors, the Editor-in-Chief, or the Press.

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Editor-in-Chief