

Annual Survey of International & Comparative Law

Volume 23 | Issue 1

Article 1

2019

Front Matter

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(2019) "Front Matter," *Annual Survey of International & Comparative Law*. Vol. 23 : Iss. 1 , Article 1.
Available at: <https://digitalcommons.law.ggu.edu/annlsurvey/vol23/iss1/1>

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Volume XXIII

SPRING

2018

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TRIBUTE



JON H. SYLVESTER

This 23rd volume of the Annual Survey of International and Comparative Law is respectfully dedicated to Jon Sylvester, Professor of Contract and Comparative Law at Golden Gate University School of Law for nearly two and half decades (1994-2018).

Professor Jon Sylvester is an academician of the first rank. He is an academician and a gentleman in the fullest sense of both designations. But to focus upon his work at Golden Gate University School of Law in isolation ignores the coherent beauty of the kind of vibrant and collegial human being he has been, apart from being a doyen of Contract Law at the Law School for many years.

Only someone of Professor Sylvester's intellect and dedication could have mastered the range and depth of the challenges and difficulties which local and international students in particular suffer while studying in foreign institutions like Golden Gate University. He showed interest and fully understood young legal scholars from Asia, Africa and the Americas. His unique gift of kindness does not stand in isolation from the man. It is an integral part of his character and soul as a good man.

His one year or so sabbatical leave, as a Fulbright Scholar, at the University of Tanzania Dares Salam Tanzania, gave him a good opportunity to familiarize himself with African Law. Thus, Professor

Sylvester provides an invaluable bridge between American legal culture and those of other countries with diverse legal cultures.

As an Associate Dean of Graduate Studies for many years he strongly supported the LL.M. and S.J.D. programs to the best of his ability. He also supported the Annual Fulbright Symposium as well as the publication of the Annual Survey, which he served at some point as its Co-Editor-in-Chief. After his retirement from Golden Gate University, he has continued to serve on several S.J.D. doctoral committees, guiding and helping students with their dissertations. Professor Sylvester will always be remembered as a doyen of Contract law. His intellectual influences will continue to be felt in more than one continent, to be sure. There are many former students, now professors, judges and lawyers themselves in different jurisdictions, whose lives and careers Jon Sylvester positively touched. I know that they think of him as fondly as I do. I wish him and his family well in their lives and endeavors.

CHRIS NWACHUKWU OKEKE

On behalf of his students, I would like to thank Professor Sylvester and wish him the very best in his future endeavors. I first met Professor Sylvester when I sat in on his class Professor Sylvester as a prospective law student, before beginning my J.D. After that class, my nerves eased about attending law school were eased and I decided to attend law school at Golden Gate University knowing that the school had gems of professors to teach me and guide my learning. As a new J.D. student, my very first class of the fall semester, on Monday morning, was Professor Sylvester's contract law. Six years later, there are a few traits about him that still resonate with me and stay in my heart. The first trait is his unyielding warmth and smile when he walks into the room and greets you or when you see him in the halls of school. The second trait is his ability to teach with such clarity and enthusiasm. The third trait is his encouragement towards students. A first year law student's worst nightmare is being cold-called in class. It is hard to say that a professor could actually make that experience okay, but he did. He had a way to make you feel more confident as a student. I can say with certainty that every student I knew who also had any interaction with him felt the same way and we are better lawyers and people for knowing him and being taught by him. On behalf of all his past students, I wish him the very best and hope that other professors will follow in his footsteps.

SHARMEEN AHMED (CLASS OF 2016)

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EDITORIAL

The present volume of the Annual Survey of International and Comparative Law – Volume XXIII – consists of articles that discuss few current international and comparative law issues. Since the previous volume, a number of existing and developing events in the international community have continued to present new challenges to the role of international law in addressing interstate relations and maintaining global peace across the globe.

NORTH AMERICA

Ongoing conflicts between the effects of globalization and evolving national identities continue to be a driving challenge to international law. Indeed, many of the challenges facing the international legal community can be traced to post-globalized changes. In the United States, the Trump Administration is making a major departure from the policy directions of his predecessors on different fronts most notably in immigration where new challenges are being presented to the already beleaguered amnesty and refugee services as being evidenced by the recent “Muslim Ban” on foreign nationals from 7 largely Islamic countries identified by the administration as potential hotbeds/sponsors of global terrorism.

Furthermore, new trade tariff policies being introduced by the new administration have strained historically strong U.S. relationships with key allies particularly evident with Canada and Germany. It has also worsened some already contentious trade relationships— as in the case of China and Iran. In reaction to these recent changes in policy direction, the Trump administration is facing great opposition internally.

Arguably, Canada has been pursuing a different approach with respect to its relationships and foreign policy since the election of U.S. President Donald Trump. From open advertisement of Toronto’s majority immigrant population that emphasizes a pro-refugee immigration approach as well as bilateral trade agreements with European and Asian states, the Canadian foreign policy strategy under Prime Minister Trudeau is in stark contrast to changes in U.S. policy under the Trump administration. The more recent case of the Huawei CFO arrest and subsequent extradition request under U.S.-Canadian treaty is already presenting a challenge to this new Canadian foreign approach.

LATIN AND CENTRAL AMERICA

Within the Latin America hemisphere, the push to reassert unified national identities in a post-1980's globalized environment presents different challenges ranging from equitable allocation of resources, sustainable development of state infrastructure, as well as nationalized versus democratized policy viewpoints. The continued challenge of under-representation of indigenous minority groups in the push towards modern free elections remains present, driving interstate migration of populations mostly seeking new labor opportunities and/or amnesty. Interstate migration continues to present a major challenge in the region as illustrated by the increasingly controversial redirection of groups on the trail towards the United States, as in the case of the Central American "Migrant Caravans". Dangerous and most regretful about the new Venezuelan crisis is the unfortunate clear affront by some Western countries against the universally acknowledged international law principle of non-interference in the internal affairs of sovereign states.

EUROPE

In Europe, a post-Brexit U.K. has continued the internal debate on a clear path forward. The Prime Minister Theresa May, originally a Brexit champion is currently facing strong opposition domestically on much of her policies and agenda, seriously threatening a peaceful exit. With broader security issues such as the safety of telecommunications infrastructure driving closer consensus and alignment of opinions within the western European block, new policies and laws are seen to be widely similar amongst the group, with Germany, Denmark, and others frequently pursuing joint policy approaches with the U.K.

Russia has increased its strategic presence in the Middle East. She has continued her strong support of the embattled Assad regime in Syria. Furthermore, Russia has entered into new investment and military agreements with Saudi Arabia as well as new and expansive military and bilateral trade agreements with China. From these developments, it is evident that Russia is continuing to position herself against the United States and Western international interests in an effort to hold sway of influence in the region. Besides, the hot debate in US Congress and elsewhere in the United States over the alleged Russian efforts to undermine 2016 U.S. presidential elections has continued unabated. As the U.S. political leadership remains embattled, the very real threat of an aggressive new Cold War endangers the peaceful development of international relations worldwide.

MIDDLE EAST

In the Middle East, Saudi Arabian-led policy and initiatives continue to be mirrored throughout the broader Gulf region. The notable exceptions are Qatar, Iran, and Kuwait. There are promises of social, political, and infrastructure changes. Examples are the campaigns of so-called 2030 visions, gender desegregation, limited grants of legal rights to protected classes such as women and migrant workers. These are more broadly seen to be prudent actions to temper the deeper issues which originally presented themselves during the so-called Arab Spring movements. With key issues still facing the region, such as a large unemployed/underemployed educated youth labor force, minority Arab population with large migrant and expatriate residents, and suppression of dissent (and in some cases, reasonable opposition), challenges to traditional monarchy posed by the push for democratization remain.

AFRICA

The African countries, like countries of the other regions of the world are not left out. They have their full dosage of national, regional and continental challenges that have relevance to issues of concern to our journal. The demands for the exercise of the right to self-determination of people by certain groups in both Nigeria and Cameroon have remained very strong. The movement of the Indigenous People of Biafra, IPOB, and the movement for the Actualization of the Sovereign State of Biafra, MASSOB and other liberation movement bodies have kept up their push. So also is the struggle for self-determination by the people of Western Cameroon.

Discordant reactions of foreign policy value on these developments have been received from some countries within the international community. I continue to propose with confidence that good governance, fair play and peaceful dialogue, rather than the use of brute force remain the best way to tackle and settle the demands for self-determination of the people in these countries.

More troubling are the issues of the observance of the rule of law, good governance, and the validity of the so-called democratic principle as seen from reports of international observers who participated in the just concluded Nigeria Presidential Election. There have been reports of electoral and security infrastructure deficiencies, massive underage voting in the northern part of country, fraud and result manipulation etc. These illegalities raise a fundamental question *qui Vadis* the so called

concept of democracy. Similar strong doubts about the validity of western US-Euro led ‘democracy’ have been expressed elsewhere – US elections, Venezuela etc.

ASIA

Within Asia, India continues to experience increased border and military tensions with China as well as with Pakistan. She also has seen underpinned challenges to an evolving national identity internally. The Bharatiya Janata Party-led India has witnessed anti-Muslim rhetoric and policy. These include the renaming of national monuments and over 100 towns and cities (e.g. Allahbad is now officially Prayagraj). Similarly, neighboring Myanmar is under heavy scrutiny for its affronts to its indigenous minority Muslim population. The challenge of the Rohingya to maintain their identity as citizens of Myanmar remains the dominant issue internationally, with a concerted effort on the part of the government to restrict Rohingya population growth, marital rights, and several other rights deemed universally inalienable. The continuing crisis has also produced a large refugee population. The majority have taken amnesty in the neighboring developing nation of Bangladesh. This mass movement of refugees has produced related crises for the embattled Prime Minister Hassina.

With the small success that resulted from the goodwill campaign during the 2018 Winter Olympics in Pyeong Chang, the Korean peninsula is witnessing a historic thaw in relations. Thus, the South Korean President Moon Jae-in, with the hope for potential reunification is engaging in ongoing direct diplomacy efforts with North Korea. The joining of the United States in these efforts has resulted in two direct meetings so far between U.S. President Trump and North Korea’s Kim Jong-un. No remarkable breakthrough however has been recorded so far, as the latest meeting between Trump and Kim Jong-un ended without tangible progress in talks to denuclearize North Korea.

With a substantial push towards technological and resource self-sufficiency, China is engaging in aggressive diplomatic and strategic partnership efforts with key countries in the Middle East and in the African continent. There has been notable progress resulting in several multi-billion-dollar infrastructure investments. Current incidents ranging from skirmishes around the downing of U.S. Navy planes with directed energy weapons, to military blockades of contested islands in the South China Seas, China has been seen internationally as attempting to assert its global dominance rightly or wrongly.

All the issues raised in this editorial have impact on international and comparative law. The Annual Survey of International and Comparative Law strives to address and shed light on these global challenges to 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 XXIII includes a variety of topics that correspond with the need to keep the legal public apprised on the current trends in international and legal developments.

The present volume contains the following articles: Involuntary Dissolution: Theory and Operation in Publicly Traded Corporations; Assessment of the Role of the Nigerian Police Force in the Promotion and Protection of Human Rights in Nigeria; International Standards for Protection of Religious Freedom; A New Era in the Application of U.S. Securities Law Abroad: Valuing the Presumption Against Extraterritoriality and Managing the Future with the Sustainable-Domestic-Integrity Standard; Imperatives of Corporate Governance in Corporate Citizenship in Nigeria; Abortion Laws in Nigeria: A Case for Reform.

As observed in preceding volumes of the Annual Survey, the present volume cannot cover all aspects of international and comparative law issues. However, Volume XXIII 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.

CHRIS NWACHUKWU OKEKE
Editor-in-Chief

ACKNOWLEDGEMENT

The Editors would like to welcome David Franklyn, Professor of Law and Executive Director, McCarthy Institute, Golden Gate University, School of Law and wish him a happy and successful tenure.

