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Editorial

Christian N. Okeke

Golden Gate University School of Law, cokeke@ggu.edu

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EDITORIAL

This eighteenth volume of the *Annual Survey of International and Comparative Law* (hereinafter, *Annual Survey*) is another building block that is being added to an edifice designed to serve as a global forum for an exchange of views and the advancement of mutual understanding, not only across national legal frontiers but also transcending traditional legal disciplines. The volume occurs at a time when the world is once more faced with many urgent and different kinds of important critical issues of public international and comparative law concerns. Some of these contemporary problems yearning for proper legal regulation range from those brought about by seemingly natural causes to man-made issues.

Publicists, comparativists, privatists and international lawyers of different specialties from around the world, whatever their interests or specializations, are invited to share their discoveries and experiences in a free and unencumbered interchange of ideas, concepts, interpretations and theories. In this volume, a common thread that defines the journal as a true international and comparative law mouthpiece continues to spin from the earlier volumes in an effort to further discussions of a variety of issues of interest in contemporary international relations.

As noted in other editorials of this journal, a most disturbing development that continues to confront the international community at the moment, calling for a concerted international cooperation of all States, and needing effective legal regulation, has to do with the unfolding acts of terrorism and piracy. Article 101 of the United Nations Convention on the Law of the Sea defines piracy to include acts directed against a ship, aircraft, persons, property in a place outside the jurisdiction of any state. In the last couple of years, Somali pirates have struck terror on merchant ships plying the international waters of the Atlantic, Pacific and Indian Oceans. Their acts remind the world once again of the devastating activities during the 17th and 18th centuries by European pirates. While the Somali pirates are being vilified in the 21st century, their European counterparts were associated with every virtue and not a single vice at their time. The Dutch, the English, the French, the Portuguese and the Spaniards each had crown pirates who looted, plundered, killed and maimed innocent persons for the Kings and countries. Times have really changed so fast!

The military trial of the alleged plotters of the 9/11 terrorist attack on the United States of America has started. Suspected detainees, wherever they may be, should not be subjected to a treatment below the level reserved for an enemy of mankind. All the questions referred to and commented upon above, and many others not covered, are some of the burning questions that modern students of international and comparative law should not only raise, but must also endeavor to find satisfactory responses.

It is well settled even under classical international law that pirates *ex jure gentium are hostes generis humani*. Although virtually all legal systems have declared that pirates are criminals and enemies of mankind, they are nonetheless human beings and have to be treated as such without degrading the dignity of the human person. Two famous Dutch international lawyers, Hugo Grotius and Alberico Gentili condemned piracy *jure gentium*. What is critically important though, is that in dealing against international crimes of all kinds, such as piracy, the governments of all the countries of the world, irrespective of the differences in their general capacities, should strive to avoid double standards in their international relations as such an approach could lead to loss of respect for such States. The old maxim that necessity knows no law, no longer holds true.

Most gratifying and notable is the fact of optimism that this year so far proves to be very hopeful for the future of international law. National elections have been successfully conducted in many countries, even though in many other countries, the failure to conduct free and fair elections has been the order of the day. In North America, the United States will face its presidential election on the sixth of November, 2012. The election will determine the next President of the United States. Burma, Russia, Spain, Greece, and France are among the other countries that conducted national presidential elections recently.

Volume XVIII of the Annual Survey will continue the task it has undertaken at the outset without forsaking its tradition of disseminating and promoting wider appreciation of international law. The 18th volume kicks off with a very topical article on intellectual property law. To an appreciable extent, *Creating Capital from Culture – Re-thinking the Provisions on Expressions of Folklore in Ghana’s Copyrights Law* signifies the regular daily concern of all legal systems stretching from Africa to the most highly sophisticated legal systems of the world. While it appears that certain forms of human rights exist and are recognized and practiced everywhere, their international protection is as yet nowhere fully realized. There are still fundamental impediments to human rights protection and realization in many parts of the world. Cases in point include: the right of people to self determination. Although this right is now universally acknowledged, its actual exercise in the form of the right of secession continues even today to give rise to acute and tragic controversies. Also, despite an international human rights response, the issue of “corrective rape” remains controversial in some countries in Africa and other parts of the world.

The right to a corruption-free society imposes a corresponding obligation on states to fight corruption in all its manifestations in order to ensure for everyone the enjoyment of all other basic human rights in all legal systems, including Islamic Law. Continental European Civil Codes have had significant influence on numerous legal systems. A restatement on the

need for a European Civil Code is timely, not for the sake of European legal scholarship, but more significantly for those operating within a legal system based primarily and, more or less, unwittingly on the German Civil Code. Last, but not the least, are the challenges facing the International Court of Justice in the 21st century.

The Annual Survey is again pleased to have been able to bring together writings of highly qualified jurists and publicists from different corners of the globe. It is not intended exclusively for American audiences or readers. To maintain its international character, the *Annual Survey* has endeavored to preserve the original intent, style and format of each writer while adhering as much as possible to the traditional U.S. practice of uniform citation for U.S. sources. The *Annual Survey of International and Comparative Law* welcomes comments on the articles and other features included in this issue as well as suggestions for topics to be covered in future editions of the journal. The journal warmly appreciates manuscripts on topics relevant to the field of international and comparative law.

There is a fervent hope that the mission of wider appreciation and broader dissemination of international and comparative law will continue to spread further and deeper, in all directions, covering ever-expanding areas of international legal education, without barriers or frontiers.

The views expressed in the articles, papers, and studies, notes, etc. published in the *Annual Survey* are those of the individual authors and are not to be regarded as representing the views of the Editor or the Board of Editorial Advisors. Questions concerning the authenticity of foreign sources and factual assertions, if any, should be addressed to the authors.

CHRIS NWACHUKWU OKEKE
Editor-in-Chief