

# Foreword

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*“[I]f you’re holding out for universal popularity, I’m afraid you will be in this cabin for a very long time.”<sup>1</sup>*

J.K. Rowling

The very notion of “international law” frightens many. To others it is fascinating and the Wardrobe to another time and place. From country to country and Union to Kingdom, laws vary greatly, individual thoughts differ, and priorities change. International law has no boundaries and no limitations; when it comes to international cooperatives and organizations, law is an ever-evolving world. Signatory countries have different obligations than ratifying countries.<sup>2</sup> One simple and unexpected event can set off a chain reaction that extends beyond the borders of one country; and what is

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I would like to thank so many people for helping me put together these two journal volumes. It was not an easy task. Thank you to my parents and sisters for supporting me in this leadership endeavor. Thank you to Jane Susskind for convincing me to apply for this role in the first place. Thank you to the Volume 18 Editorial Board for entrusting the journal in my hands; to my Editorial Board for working so incredibly hard this entire year. I know I had big expectations. Thank you to all the authors who entrusted their articles to the journal. Finally, thank you to the University of San Diego School of Law Administration, particularly the Journal’s Faculty Advisor Michael Ramsey and the Assistant Director of Law Journals, Brigid Bennett, for supporting me and giving me advice throughout the entire process. This journal was a collaborative effort and I could not have done any of this without any of you.

1. J.K. ROWLING, HARRY POTTER AND THE GOBLET OF FIRE, 179 (2000).

2. See e.g. *Understanding International Law*, UNITED NATIONS (2011), [https://treaties.un.org/doc/source/events/2011/Press\\_kit/fact\\_sheet\\_1\\_english.pdf](https://treaties.un.org/doc/source/events/2011/Press_kit/fact_sheet_1_english.pdf) [<https://perma.cc/VG3X-34B6>].

current and controversial one day can very much become moot and dated the next.

There are 237 countries, 6 billion people, and roughly 6,000 distinct languages existing on Earth today.<sup>3</sup> Each person's ideologies differ. It would be difficult to find someone in your lifetime that perfectly matches your views and understandings. Many factors play a role in this daunting discrepancy. Culture, religion, historical considerations, education, economic-wealth, personal experiences, sexual orientation, and societal upbringing are just a handful of the never-endless list of factors that can impact the development of one's school of thought.

The nineteenth edition of the *San Diego International Law Journal* comes at a time when the United States is in the international limelight and battles internal turmoil. Just in the past year, women have found their voice in the #MeToo movement and equal pay platforms;<sup>4</sup> high school students have protested gun laws;<sup>5</sup> United State citizens have fought to overcome implicit bias and discrimination.<sup>6</sup>

On January 20, 2017, President Donald Trump took office as the 45th President of the United States.<sup>7</sup> On his path for election, President Trump vowed to tackle immigration issues. He spoke in support of erecting a wall along the United States-Mexico border,<sup>8</sup> and once in office passed Executive

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3. THE WORLD FACTBOOK, CENTRAL INTELLIGENCE AGENCY, <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2119rank.html> [<https://perma.cc/A23R-2QUV>] (last visited Apr. 23, 2018). Population calculations are based on the rounding of the populations listed for each country listed by the Central Intelligence Agency; Stephen Anderson, *How many languages are there in the world?*, LINGUISTIC SOCIETY OF AMERICA, <https://www.linguisticsociety.org/content/how-many-languages-are-there-world> [<https://perma.cc/UJH6-AUEV>] (last visited Apr. 23, 2018).

4. See Alix Langone, *#MeToo and Time's Up Founders Explain the Difference Between the 2 Movements — And How They're Alike*, TIME (Mar. 22, 2018, 5:21 PM), <http://time.com/5189945/whats-the-difference-between-the-metoo-and-times-up-movements/> [<https://perma.cc/HYR4-TREX>].

5. See Emanuella Grinberg & Holly Yan, *A generation raised on gun violence sends a loud message to adults: Enough*, CNN (Mar. 16, 2018, 5:03 PM), <https://www.cnn.com/2018/03/14/us/national-school-walkout-gun-violence-protests/index.html> [<http://perma.cc/U8D2-EE4X>].

6. See Holly Yan, *This is why everyday racial profiling is so dangerous*, CNN (May 11, 2018, 11:54 AM), <https://www.cnn.com/2018/05/11/us/everyday-racial-profiling-consequences-trnd/index.html> [<http://perma.cc/3N8U-YBLN>]; Joe Patrice, *Law Students Seek To Ban Professor From Teaching 1Ls*, ABOVE THE LAW (Sept. 11, 2017, 12:58 PM), <https://abovethelaw.com/2017/09/law-students-seek-to-ban-professor-from-teaching-1ls/> [<https://perma.cc/2MTB-JTM3>].

7. See David Von Drehle, *Donald Trump's Unprecedented, Divisive Speech*, CNN (Jan. 20, 2017, 8:31 PM), <http://time.com/4641547/inauguration-2017-donald-trump-america-first/> [<http://perma.cc/MGD2-22PT>].

8. See Brad Tuttle, *7 Money Promises Donald Trump Made—But Might Not Keep*, TIME (Nov. 16, 2016), <http://time.com/money/4572186/donald-trump-campaign-promises-taxes-economy-immigration-jobs/> [<https://perma.cc/YPZ3-GJCH>].

Orders inhibiting travel to the United States from citizens of certain countries.<sup>9</sup> President Trump has also avidly took a stand on third world countries,<sup>10</sup> and within the first few months of office withdrew the United States from the Trans-Pacific Partnership.<sup>11</sup>

It comes at no shock that when the presidency changes political party hands, things as a whole also have the potential to change. Administrative Policy and Opinion Letters are inevitably replaced or retracted, new Executive Officials are appointed,<sup>12</sup> Executive Orders overturned,<sup>13</sup> and new legislation implemented.<sup>14</sup> These are very common results of being a democratic country. However, what is even more intriguing, is the impact and resounding effects that one leader's decisions can have on the international community.

The overwhelming reoccurring theme in this nineteenth edition of the *San Diego International Law Journal* centers on the international effects of recent domestic political changes in the United States. Whether a compelling factor or working in the background without express recognition, President Trump remains a point of interest in many of the articles published this

9. See Exec. Order No. 13,769, 82 FR 8977 (2017), *superseded by Executive Order*, Exec. Order No. 13,780, 82 F.R 13209 (2017); Proclamation No. 9645, 80 Fed. Reg. 45,161 (Sept. 24, 2017), *injunction issued Hawaii v. Donald J. Trump*, No. 1:17-cv-00050-DKW-KSC, 2017 U.S. Dist. LEXIS 171242 (D. Haw. Oct. 17, 2017), and *Int'l Refugee Assistance Project v. Donald J. Trump*, 265 F. Supp. 3d 570 (D. Md. Oct. 17, 2017).

10. Josh Dawsey, *Trump derides protections for immigrants from 'shithole' countries*, WASH. POST (Jan. 12, 2018), [https://www.washingtonpost.com/politics/trump-attacks-protections-for-immigrants-from-shithole-countries-in-oval-office-meeting/2018/01/11/bfc0725c-f711-11e7-91af-31ac729add94\\_story.html?noredirect=on&utm\\_term=.37e0e5e2cf5d](https://www.washingtonpost.com/politics/trump-attacks-protections-for-immigrants-from-shithole-countries-in-oval-office-meeting/2018/01/11/bfc0725c-f711-11e7-91af-31ac729add94_story.html?noredirect=on&utm_term=.37e0e5e2cf5d) [<https://perma.cc/9B92-2PN7>].

11. Press Release, Office of U.S. Trade Representative, The United States Officially Withdraws from the Trans-Pacific Partnership (Jan. 30, 2017), <https://ustr.gov/sites/default/files/files/Press/Releases/1-30-17%20USTR%20Letter%20to%20TPP%20Depositary.pdf> [<https://perma.cc/GFX9-LCWV>].

12. See, Rebecca Harrington & Skye Gould, *MEET THE CABINET: Here are the 24 people Trump has appointed to the top leadership positions*, BUSINESS INSIDER (Mar. 13, 2018, 4:55 PM), <http://www.businessinsider.com/trump-white-house-cabinet-senior-leadership-positions-bios-2016-11> [<https://perma.cc/AN39-EQLZ>].

13. See e.g. Exec. Order No. 13,673, 79 FR 45309 (2014), *revoked by Executive Order*, Exec. Order No. 13782, 82 FR 15607 (2017).

14. For a list of what President Trump has accomplished and signed in office, see the ongoing list of new and amended legislation as found in Jennifer Hansler, *These are the bills Trump signed into law in his first year as President*, CNN (Jan. 20, 2018, 2:16 PM), <https://www.cnn.com/2017/06/29/politics/president-trump-legislation/index.html> [<http://perma.cc/PN47-RFN3>].

academic year. Each article is distinct in legal policy and analysis and covers diverse legal topics.

Academic journals provide an educational forum to present different and controversial points of view and analyses. Law journals in particular provide an author with an outlet to present solutions to legal issues, and advocate for much needed changes to the international community. Backed by laws, data, and policy arguments, this year's journal brings to the forefront issues that presently effect countries all over the world. These articles advocate for change to legislation and historical understanding, argue for acceptance of certain human rights, and discuss the future of immigration issues that impact countries around the world.

The infinite number of combinations available to impact one's beliefs is what makes speech and debate so enchanting and unique. Each person's life experiences shape the beliefs and realizations we form. Provided the right ground to stand on, academic articles and debates foster educational debate, growth, and understanding.

It is with great pleasure that as Editor-in-Chief, I present the fruits of all the hard work by both the authors published and the members of the *San Diego International Law Journal* who helped the Journal succeed this year.