

# Foreword

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This Fourteenth Volume of the *San Diego International Law Journal* is composed of articles that demonstrate the importance of historical and contemporary expositions of international law. The topics range from international criminal law, territorial agreements between the United States and Mexico, international banking standards, and the legal consequences of the Defense of Marriage Act for bi-national same-sex couples in the United States and Canada. 2012 saw the further change of the world through elections, wars, and economic problems. The articles presented in this First Issue address these economic, political, and social changes of our time.

Jorge Vargas' Article *The 2012 U.S.–Mexico Agreement on Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico. A Blueprint for Progress or a Recipe for Conflict?* addresses the new agreement by looking at its potential to establish a legal regime for oil companies of both countries to jointly develop transboundary oil and natural gas reservoirs in the Gulf of Mexico. The Article analyzes the unique maritime history between the U.S. and Mexico, with this culmination of the first business partnership between the two countries.

Michael J. Bazylar and Kellyanne Rose Gold present the first comprehensive legal analysis of the World War II Soviet trials of Germans in the Ukrainian city of Kharkov in *The Judicialization of International Atrocity Crimes: The Kharkov Trial of 1943*. The Article discusses the first trial of Germans by the Allied Powers for the murder of Jews. The Article concludes by discussing the aftermath for the Nazis

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\* Editor-in-Chief, 14 SAN DIEGO INT'L L.J. (2012). J.D. Candidate 2013, University of San Diego School of Law. B.A., Political Science and International Affairs, The George Washington University.

who were not originally prosecuted at Kharkov, and how the trials at Kharkov laid the groundwork for the later Nuremburg criminal tribunals of Nazis following World War II.

In *Cyberterrorism in the Context of Contemporary International Law*, Yaroslav Shiryayev analyzes the changes in international law regarding cyberterrorism since September 11, 2001. In his Article, Shiryayev explains why cyberterrorism should be described as “the use of electronic networks taking the form of a cyber-attack to commit a) a substantive act criminalized by the existing legal instruments prohibiting terrorism, or b) an act of terrorism under customary international law.” The Article addresses the rising threat of cyberterrorism, with the permissibility of individual response and its applicability to *jus in bello*.

In his Comment, *Basel III and Credit Risk Measurement: Variations Among G20 Countries*, Matt Schlickemaier argues that Basel III’s credit risk assessment still requires improvement. He begins with how credit risk measurement factors into Basel, then moves into Basel II’s options for estimating credit risk, followed by how inaccurate credit risk estimations contributed to the recent mortgage crisis. Schlickemaier ends with a discussion of the new Basel III rules, concluding that the standardized approach needs to change its relationship with the rating agencies.

In her Comment, “*There’s No Place Like Home*” *DOMA Deportation: The Forced Expatriation of Bi-national, Same-sex Couples from the United States to Canada*, Annie Nguyen examines the implications of the Defense of Marriage Act for bi-national same-sex couples in the U.S. and Canada. She argues that Canada’s recognition of same-sex marriage and support of immigration equality leads same-sex bi-national couples to expatriate to Canada, though not without problems and consequences. She concludes that “permanent partnership” should function as an alternative to marriage, with this modification extending federal marriage benefits to same-sex partners.