

Foreword

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We are all internationalist now, whether we like it or not. We cannot refuse to participate in global markets if we want to prosper. We cannot ignore new political ideas in other countries if we want to innovate. . . . We are witnessing the beginnings of a new doctrine of international community. By this I mean the explicit recognition that today more than ever before we are mutually dependent, that national interest is to a significant extent governed by international collaboration and that we need a clear and coherent debate as to the direction this doctrine takes us in each field of international endeavor. Just as within domestic politics, the notion of community—the belief that partnership and cooperation are essential to advance self-interest—is coming into its own; so it needs to find its international echo.¹

The 2006 midterm election showed a significant shift in the mentality of American voters. Gone are the days where local concerns dominated and foreign affairs played only a supporting role in the voters' consciousness. Polls conducted prior to the election showed nearly twice as many Americans were concerned with foreign or security issues than with the most important domestic issue: the economy.² Issues such as the war in Iraq, immigration, dependence on energy and war on terror now weigh heavily on the minds of the American people.

Americans are waking up to the reality that we are part of an intertwined international community. International issues have a significant impact on our daily lives. An attempted terrorist attack on the other side of the

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1. Tony Blair, British Prime Minister, Address to the Economic Club of Chicago: Doctrine of the International Community (Apr. 22, 1999), available at <http://www.globalpolicy.org/globaliz/politics/blair.htm>.

2. *Democrats Hold Solid Lead; Strong Anti-Incumbent Anti-Bush Mood*, THE PEW RESEARCH CENTER FOR THE PEOPLE AND THE PRESS, Sept. 14, 2006, <http://people-press.org/reports/display.php3?ReportID=289>.

Atlantic will alter what we can take onto airplanes.³ A bombing half way around the world effects what we pay for fuel at the neighboring gas station.⁴ A nuclear test conducted one-half mile underground can make the whole world feel vulnerable.⁵ The path to national security, prosperity and well-being cannot be accomplished without international cooperation. The key to achieving a mutually beneficial cooperation is a deeper understanding of international issues.

The articles appearing in Volume 8 of the *San Diego International Law Journal* seek to offer insight and understanding into the international community. The first two articles examine the complexities involved in litigating international causes of action. Philip Moreman assesses the use of private rights of action before an international forum to enforce international laws. The article compares private rights of action with regulatory enforcement mechanisms to evaluate the respective costs and benefits. Yann-Huei Song examines the prospect of judicial intervention in fishery disputes involving fishing entities in Taiwan. The issue is complex because Taiwan is not a member of the UN and is therefore not a contracting party to the ICJ statutes. The article analyzes international conventions, statutes and case law to uncover the jurisdictional element of such disputes.

Volume 8 also includes other progressive and thought-provoking articles addressing international issues in a variety of legal contexts. Samuel Levine explores the common elements of two successful intellectual movements: The Brisker Method, which is the leading method of theoretical study of Jewish law, and Richard Posner's law and economics theory. Timm Neu looks into the possibility of film co-production between India's emerging "Bollywood" and the established film industries of the United States and Germany, exploring the potential economic benefits as well as legal pitfalls created by such an international venture. Also in this issue, Marguerite Middaugh examines the impact of climate change on the Inuit people, discussing the applicable international law and assessing the attitude and actions of the U.S. government with respect to this human rights issue. Victor White analyzes whether provisions of the REAL ID, an act Congress passed in 2005 which restricts asylum eligibility and limits judicial review of deportation orders, violates due process as well as international obligations to asylum seekers. Finally,

3. Alan Cowel & Dexter Filkins, *Threats and Response: The Overview; Terror Plot Foiled; Airports Quickly Clamp Down*, N.Y. TIMES, Aug 11, 2006.

4. Steven Weisman, *Turmoil in the Middle East: Market Forces; As the Price of Oil Soars, So Does Its Power to Shape Politics from Washington to Beijing*, N.Y. TIMES, Jul. 25, 2006, at A1.

5. Norimitsu Onishi, *North Korea Warns of More Nuclear Test*, N.Y. TIMES, Oct. 12, 2006, at A1.

Brandon Ketterman scrutinizes Canada's experience with the value added tax.

The in-depth analysis in each of these articles contributes to a better understanding of several distinct contemporary issues. More importantly, we hope these articles, taken as a whole, serve to provide a more global perspective on the international political and social climate that increasingly affects each of our lives.

