

# ARIZONA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW

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### ARTICLES

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#### A POST-URUGUAY ROUND INTRODUCTION TO INTERNATIONAL TRADE LAW IN THE UNITED STATES

*David A. Gantz*

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Over the last year, the United States has changed its trade laws more than at any other time since the original General Agreement on Tariffs and Trade was signed in 1947. Professor Gantz's introduction lays out the primary features and dynamic texture of this complex and increasingly important area of law. Drawing on his vast experience in both private and government practice, he explains the policies behind the sometimes Byzantine procedures and laws the U.S. government uses, and points out areas that require special caution or attention. This Article fills a significant gap in the literature of trade law and should be a starting point both for U.S. students and for lawyers from outside the United States.

#### MYTHS OF PROPERTY RIGHTS

*Steven E. Hendrix*

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Land titling has been promoted as the key to broad-based sustainable growth in many developing countries. Proponents claim titling automatically leads to increased security of ownership, greater credit, investment and productivity, protection from fraud; and other benefits. In his Article, Mr. Hendrix analyzes empirical studies assessing changes under titling programs and comparing regions with titling to regions without titling. He asserts that property formalization without regard to these factors may be detrimental to historically disadvantaged groups.

APPLICATION, PROOF, AND INTERPRETATION OF  
FOREIGN LAW

*Jacob Dolinger*

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Application, proof, and interpretation of foreign law are interrelated subjects that lie at the core of international conflict of laws. In forum courts, foreign law may be considered as an issue of law or fact. In his Article, Professor Dolinger surveys and compares the approaches of various foreign jurisdictions on the use and application of foreign law. He concludes that private international law should be governed by a universalist theory that places the application of the more appropriate law above any other consideration.

COMMENTS

INTERNATIONAL ATHLETIC DISPUTE RESOLUTION:  
TARNISHING THE OLYMPIC DREAM

*C. Christine Ansley*

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As the 100th anniversary of the Olympic Games approaches, the Olympic Movement is enjoying ever-increasing global attention. Much of this attention, however, is not focused on the athletics themselves but rather on the emergence of litigation by athletes as a means of protecting their rights to compete. In her Comment, Ms. Ansley analyzes the current Olympic hierarchy and dispute resolution methodology within that structure. She concludes that without the inception of a more satisfactory, organized, and regulated method of responding to athletes' grievances, interference by national courts may lead to the fall of the current Olympic framework and, consequently, the Olympic Games themselves.

WHERE ARTIFICIAL CONSTRAINTS KILL: THE  
DISPUTE BETWEEN CANADA AND THE UNITED  
STATES OVER PACIFIC SALMON

*Thomas Healy*

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Each passing year, fishermen catch less salmon in the Pacific Salmon fishery off the western coast of the United States and Canada. The competing needs of the fishery's constituents impede conservation and enhancement efforts. The United States and Canada

implemented the Pacific Salmon Treaty in 1985 with aspirations of solving the problems besetting the fishery. In his Comment, Mr. Healy analyzes the shortcomings of the current management structure imposed by the Treaty and proposes the elimination of arbitrary national borderlines that separate the fishing fleet by nationality. He concludes that allowing fishermen to harvest salmon as a unified fleet would promote efficient extraction from areas where the resource is most plentiful and end the gridlock that frustrates attempts at conservation.

PROTECTING THE WHITE CONTINENT: IS THE  
ANTARCTIC PROTOCOL MERE WORDS OR REAL  
ACTION?

*Paul Lincoln Stoller*

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Antarctica has long been the Earth's loneliest continent. Cold and desolate, it remains without a sovereign or a consistent human population since its discovery. Recently, however, increasing amounts of tourist and research activity, along with a growing interest in the potential resources held beneath the ice cap, have created a growing threat to the fragile Antarctic environment. In response to this threat, the Antarctic Treaty System, a collection of interested nations, signed the Protocol on Environmental Protection to the Antarctic Treaty. In his Comment, Mr. Stoller examines the provisions of the Protocol and makes specific recommendations to improve the Protocol and to protect the Antarctic environment.

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