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DEDICATION

In this dedication of the fifteenth volume of the *Denver Journal of International Law & Policy*, Ved P. Nanda, director of the International Legal Studies Program of the University of Denver College of Law and faculty adviser to the *Journal*, outlines the past achievements of the International Legal Studies Program with particular reference to future developments in international law.

ARTICLES

This article examines the sources and extent of general rules of international law governing counterclaims in judicial and arbitral proceedings. Initially, the article focuses on the practice regarding counterclaims before international courts. It also examines the permissibility of counterclaims before international arbitral tribunals in interstate disputes and disputes between private parties and states. The authors' evaluation leads them to conclude that, although counterclaims are generally allowed unless specifically prohibited by courts and arbitral tribunals, as a matter of international jurisprudence and as expressed in conventions, the international law rules concerning counterclaims are generally narrow. The article concludes with an analysis of the practice of counterclaims in United States federal courts as a possible source of analogy to international tribunals.

The thesis of this article is concerned with the two traditional models of law and adjudication in America and the former Commonwealth countries, positivism and natural law, and their inadequacies regarding the problem of the moral judge in an immoral system. After discussing the features of the South African legal system and the traditional approaches to adjudicating within such a "wicked" legal system, the article compares the American experience of dealing with slavery to the South African experience of dealing with apartheid. The conclusion proposes a new approach to law and adjudication which provides a better explanation for the way in which judges confronted with unjust law have nevertheless sought justice. Elements of this new approach to law as "interpretation" will make it easier for such judges to seek justice in the future.

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CASE COMMENT

The author criticizes the Fifth Circuit Court of Appeals' decision to apply the Federal Rules of Civil Procedure to a German corporation and force it to submit to American discovery procedures in spite of the Hague Evidence Convention's directive for discovery procedures which are more cooperative in nature between its signatory states. The United States and the Federal Republic of Germany have therefore agreed to follow the Convention procedures before resorting to their domestic law and the power that law gives courts to enforce extraterritorial discovery.

NOTE

Since the creation of the two Germanys there has been a constant tension between both nations. The author of this Note attempts to illuminate one source of this tension which has received little attention: the Salzgitter Archives in the Federal Republic of Germany. The author opens her discussion of the Archives with a brief explanation concerning their function of exposing and documenting human rights violations in the German Democratic Republic. Also discussed are some relevant provisions of the GDR's judicial system in which "rubber paragraphs" are often used by the government to circumvent or frustrate certain guaranteed rights and freedoms under the GDR's constitution. In the latter portion of the Note, the author explains how the Salzgitter Archives are utilized by the West Germans to call attention to the injustices which exist in the German Democratic Republic. Finally, the author discusses the impact of the Archives' activities on the East German government and how the Archives may exist as a stumbling block to normalization in relations between the two Germanys.

BOOK REVIEWS