

FOREWORD

When I first met Tony Angelo at the World Congress of Comparative Law in Athens in 1994, he introduced himself as an expert on 'island law'. At that time, I was less experienced in comparative law than I am today. I was puzzled and did not dare to ask. Had I missed something in my legal education? What specifically was 'island law', had it something to do with maritime law or the like? Later I discovered what it meant to be an expert on various small jurisdictions which belong to the Pacific Islands close to New Zealand, the home country of Tony Angelo. It is with great pride that I am able write a short preface to this wonderful special issue of the Comparative Law Journal of the Pacific in which he, together with Jennifer Corrin, is sharing and expanding his expertise concerning the small states and entities of the whole world, exactly a quarter of a century after our first meeting.

Comparative legal studies in some parts of the world often do not care about small states or entities, their jurisdictions and their laws. They are simply overlooked or not taken seriously. Is it really the size of the territory, population and the gross domestic product (GDP) that matter when selecting jurisdictions for comparative studies? Or are there other reasons for focusing on larger states? They probably provide the most elaborated legal rule or the most effective legal institution; codified laws and/or a wealth of case law is available which has been extensively commented upon by legal scholars or the historical origins of a legal concept can be found there. These are commonly the reasons for selecting a 'significant' jurisdiction when undertaking a comparative legal study. Moreover, the aim of the comparative endeavour might be equally important. If harmonization or unification within a region, such as the European Union, is at stake, all Member States are to be included; however, this does not always happen. The smaller states such as the BENELUX (Belgium, the Netherlands and Luxembourg) are not as often represented in comparative legal studies as Germany, France, Italy, Spain and the United Kingdom. This eurocentrism also excludes the Scandinavian countries and Eastern Europe. Language barriers might also be blamed for this focus on the centre of Europe since still twenty-three different languages are spoken within the European Union and this will not change in the future. In comparative legal studies in Asia commonly China, Indonesia, Malaysia, Singapore, Thailand and Vietnam are selected, whereas in Africa the divide between Arab, French and English speaking countries is of importance. If it comes to the southern part of Africa, the South African jurisdiction as a mixed jurisdiction as well as its modern Constitution and its human rights approach is often taken as a *comparatum* or *comparandum*.

The present compilation does not match the current trend. Instead it focuses on small states and entities. The editors and authors who are all experts in the field have

compiled and contributed to a rich selection of highly interesting articles. They should be greatly applauded for their efforts. First of all, the table of contents reads like a travel guide to – depending on your residence – far-away destinations. It covers the Pacific (Fiji, Samoa, the Solomon Islands, Tonga and Vanuatu), Asia (Brunei Darussalam), Africa (Mauritius and Seychelles) and Europe (Andorra, Monaco and San Marino). Secondly, highly topical issues are addressed such as human rights and the influence of the European Convention on Human Rights (Butler and Burgorgue-Larsen), environmental law (Farran), state liability (Knetsch), dispute resolution (Corrin), constitutional law (Bertolini, Breda and Ferrari), the translation of French legal terms into English (Angelo/Pirini) and the combination of law, politics and religion (Black). At the very end the most pertinent question is addressed by Gussen, who extensively explores the classification of states and entities as being small. This theoretical framework which simultaneously provides multiple perspectives on smallness is of general importance. According to his combination of criteria and perspectives (at the very end of his contribution he provides several formulas) ninety-three states and entities can be qualified as small. The core set is made up of thirty-five entities, surrounded by thirty-four entities constituting the inner part and twenty-four entities belonging to the outer periphery. For some this might come as a surprise, others like the editors and authors know how much potential for comparative legal studies these many entities offer.

Luckily in their editorial note the editors have resolved the puzzling questions which they posed during the luncheon meeting at the World Congress of Comparative Law in Fukuoka in July 2018. It was amazing to see how little the attendees knew about small states, their history, development and current situation. This lack of knowledge belongs to the past when reading this compilation. It provides insightful and comprehensive presentations and analyses of many jurisdictional entities which can be used for further comparative legal studies. The addressed themes are topical for every lawyer and legal scholar. 'Small' has become 'big' in terms of importance and interest.

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