

Remarks at the Opening of the Symposium Celebrating the 10th Anniversary of the *German Law Journal* – U.S. Embassy in Berlin

*By Robert A. Pollard**

It is a privilege to address such a distinguished audience of judicial and legal professionals, including Minister Zypries and Professors Miller and Zumbansen, and to celebrate with you the 10th anniversary of the *German Law Journal*. In the past decade the *German Law Journal* has played an important role in improving our understanding of German, European, and international law and jurisprudence, especially by illuminating the political, historical and cultural context in which legal decisions are made at each of those levels. I would especially like to commend the joint projects that the *German Law Journal* has initiated with American law students. This is a wonderful way to build links within the transatlantic legal community. And, of course, what many of my American colleagues and I find particularly helpful is that the *German Law Journal* is published in English!

I am not a lawyer but it is surprising how many times in my 25 years as a diplomat in the State Department that I have been expected to examine, interpret and understand the law. Let me cite my experience at the United States Embassy in Berlin as an example. My team in the Economic Section tracks a very diverse set of issues ranging from the financial crisis, to trade and investment, climate change, counter-terrorism, human trafficking, and export controls. As you can imagine, there are legal aspects to all of these topics. For example, we recently sponsored a seminar at the Embassy bringing together lawyers, Federal Parliament (*Bundestag*) members, industry representatives, and German and U.S. officials to discuss intellectual property rights in the music industry, and how changes are needed to cope with its problems.

Our section also spent a lot of time examining amendments to Germany's Foreign Trade Act concerning national security and foreign investment. Although we agreed with the intent of the legislation, our legal experts in Washington found some elements that appeared to discriminate against non-EU investors, thereby discouraging much needed investment in Germany. The adoption of the new police law expanding the responsibilities

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of the Federal Criminal Police Office (*Bundeskriminalamt*) has very significant implications for our ongoing efforts to fight terrorism. And finally, we spend a lot of time interpreting German law with respect to export controls, including the prevention of the transfer of dual-use technologies to rogue countries such as North Korea. Germany is an excellent partner in all these areas, and the differences between us are few, and seldom significant.

Of course, we follow with great interest other recent developments in German law. The comprehensive legislation addressing the financial crisis, the planned criminalization of terrorist training abroad, and the exchange of security data and information between countries all testify to the vigorous and active legal debate here in Germany on both the key issues of the day and the basic principles of German society.

Legal frameworks have had to adapt and change along with the changing times and globalization. Germany is celebrating a number of anniversaries this year, one of which is the Basic Law (*Grundgesetz*), established 60 years ago in May 1949. Although it was conceived of as a temporary constitution, today it still remains the fundamental basis of a strong democratic Germany founded on the rule of law. Despite being amended many times, its essential core has been preserved. The establishment and evolution of German democracy, based on the *Grundgesetz*, is one of the greatest accomplishments of the postwar era. I would like to heartily congratulate you on it.

In conclusion, I wish to underscore a point that may be an obvious one. The U.S. and Germany are strong partners. We are closely bound by many shared interests and values. Our relationship is at the core of the overall transatlantic partnership. An essential dimension to this relationship is the system of treaties and legal practices that regulate the innumerable exchanges and transactions taking place between our two countries everyday. Over the years the U.S. and Germany have worked together to ensure understanding of our two very different legal systems. And over the past decade, the *German Law Journal* has enhanced this understanding. At this conference you will engage in many interesting discussions that will further this exchange. Once again, thank you for giving me the opportunity to join you today. All the best for a successful conference!