AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 97 January 2003 NO. 1

CONTENTS

So Far, So Fair: The Local Remedies Rule in the Jurisprudence of the African Commission on Human and Peoples’ Rights

Nsonguru J. Udombana 1

After reviewing the African Commission on Human and Peoples’ Rights’ application of the exhaustion of local remedies rule and comparing it to the practice of other human rights bodies, the author recommends a context-sensitive and flexible approach that can maximize the promotion and protection of human rights by avoiding inadmissibility decisions at the international level when local remedies are ineffective.

Subsidiarity as a Structural Principle of International Human Rights Law

Paolo G. Carozza 38

Thanks to its capacity to embrace a conception of common good, consonant with human rights, while still affirming and protecting the pluralism of the global community, the idea of subsidiarity, more than classic notions of state sovereignty, can help to understand and evaluate the fundamental structure of international human rights law.

Jonathan I. Charney (1943–2002)

The Board of Editors 80

Editorial Comment

Assessing Claims to Revise the Laws of War

W. Michael Reisman 82

Notes and Comments

The Delimitation of the Outer Continental Shelf Between Neighboring States

David A. Colson 91

Correspondence

107

Hague Prize Call for Nominees

110

Current Developments

Creating the Legal Framework of the Brčko District of Bosnia and Herzegovina: A Model for the Region and Other Postconflict Countries

Michael G. Karnavas 111

The Assembly of States Parties and the Institutional Framework of the International Criminal Court

Daryl A. Mundis 132

Certain Issues of the Work of the Sixth Committee at the Fifty-sixth General Assembly

Gerhard Hafner 147

The Fifty-fourth Session of the International Law Commission

Robert Rosenstock and Benjamin K. Grimes 162

International Decisions

Edited by Bernard H. Oxman

Banovic et al. v. Belgium (Admissibility) (Alexandra Rüth and Mirja Trilach)

European Court of Human Rights decision on applicability of the European Convention on Human Rights to NATO bombing in Serbia 168
Ajuri v. IDF Commander in West Bank (Detlev F. Vagts)
Review by Supreme Court of Israel of military orders transferring Palestinians from the West Bank to the Gaza Strip

Beverly Overseas SA v. Privredna Banka Zagreb (Juliane Kokott and Patrick Sutter)
Swiss Federal Court decision in action to collect on a bank note issued in payment for arms transfer to Croatia prohibited by UN Security Council arms embargo

Contemporary Practice of the United States Relating to International Law
Edited by Sean D. Murphy

Congressional Effort to Move U.S. Embassy to Jerusalem 179
U.S. Implementation of ICJ's LaGrand Decision 180
Service of Process on Foreign Official via U.S. Security Personnel 182
Extraterritorial Application of U.S. Law to Crimes on Foreign Vessels 183
Interpretation of "Direct Effect" Under FSIA Commercial-Activity Exception 185
Application of Act of State Doctrine to Export License Decision 186
2002 Victims of Terrorism Law 187
U.S.-UN Dispute over Parking Fines 190
ICJ Judge Conducts Marriage Ceremony in United States 192
U.S.-Russia Polar Bear Agreement 192
U.S.-Mexico Dispute on Cross-border Trucking 194
Enactment of the Sudan Peace Act 195
U.S. Nationals Detained as Unlawful Combatants 196
U.S. Bilateral Agreements Relating to ICC 200
U.S. Adoption of New Doctrine on Use of Force 203
Suit by Congressmen Regarding Withdrawal from ABM Treaty 205
U.S. Interpretation of "Rights of Custody" Under Hague Child-Abduction Convention 207
Application of Forum Non Conveniens Doctrine to Arbitral Award Proceeding 208

Recent Books on International Law
Edited by Richard B. Bilder

Review Essay
Kaplan, Robert D. Warrior Politics: Why Leadership Demands a Pagan Ethos; Carr, Caleb. The Lessons of Terror: A History of Warfare Against Civilians: Why It Has Always Failed and Why It Will Fail Again (David J. Scheffler) 209

Book Reviews
Charmovitz, Steve. Trade Law and Global Governance (Robert E. Hudec) 215
Bederman, David J. International Law in Antiquity (William Allan and Thomas D. Grant) 218
Caron, David D., and John R. Crook (eds.) The Iran-United States Claims Tribunal and the Process of International Claims Resolution (Melissa E. Crow) 221
Wheeler, Nicholas J. Saving Strangers: Humanitarian Intervention in International Society (Julie Mertus) 224
O'Shea, Andreas. Amnesty for Crime in International Law and Practice (David Weissbrodt) 227
Thomas, Ward. The Ethics of Destruction: Norms and Force in International Relations (David Kaye) 229
McCaffrey, Stephen G. The Law of International Watercourses: Non-navigational Uses (Joseph W. Dellapenna) 233

Collected Essays

Books Received