American Journal of International Law

INSIDE THIS ISSUE

- Centennial Essays
  W. Michael Reisman and
  Andrea Armstrong
  Theodor Meron

- Transformative Military
  Occupation: Applying the
  Laws of War and Human Rights
  Adam Roberts
AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 100 July 2006
NO. 3

CONTENTS

Centennial Essays
In honor of the 100th anniversary of the AJIL and the ASIL

The Past and Future of the Claim of Preemptive Self-Defense
W. Michael Reisman and Andrea Armstrong 525

Reflections on the Prosecution of War Crimes by International Tribunals
Theodor Meron 551

Transformative Military Occupation: Applying the Laws of War and Human Rights
Adam Roberts 580

Some military occupations, as in Iraq, have aimed at transforming the political and legal order within the "liberated" territory. This purpose appears to conflict with the long-established laws of war rule that occupant should respect the existing laws of the territory. Two post-1945 legal bases for transformative acts—human rights law and UN Security Council resolutions—have furthered evolution of the law. Yet the traditional rules retain their value, and transformative occupation remains politically and legally problematic.

Notes and Comments
Louis B. Sohn (1914–2006) Thomas Buergenthal 623
Correspondence 626
The Francis Deák Prize 627
Nominations for the Board of Editors 627

Current Developments
The 2005 Judicial Activity of the International Court of Justice Stephen Mathias 629
Congress Enacts Increased Protections for Sunken Military Craft David J. Bederman 649

International Decisions Edited by Daniel Bodansky

WTO and NAFTA decisions on alleged subsidization and dumping of Canadian softwood lumber sold in the United States
Shamayev & 12 Others v. Georgia & Russia (Maria Gavouneli) 674
ECHR decision on extradition of Chechen rebels to Russia
Methanex Corp. v. United States (Sanford E. Gaines) 683
NAFTA Chapter 11 arbitral award rejecting challenge to California environmental measure

Contemporary Practice of the United States Relating to International Law
Edited by John R. Crook

Supreme Court Allows Importation of Substances Banned Under Treaty for Use in Religious Ceremonies 691
D.C. Circuit Finds Diego Garcia Displacement Claims Pose Nonjusticiable Political Questions 692
Ninth Circuit Dismisses Yahoo! Internet Auction Case, but Fragments on Reasons 694
U.S. District Court Upholds Immunity of Iranian Consular Assets 695
United States Votes Against New UN Human Rights Council 697
United States Proposes Revised UN Assessment Process 699
Continuing U.S. Navy Operations Against Indian Ocean Pirates 700
Preliminary Settlement of Softwood Lumber Dispute 702
United States' Periodic Report to Committee Against Torture 703
President Would Like to End Guantánamo Bay Detentions; Criticism and Debate Regarding U.S. Operations There Continue 706
Releases and Transfers of Uighurs, Saudis, Other Guantánamo Detainees 710
Guantánamo Military Commission Proceedings Under Way; Additional Cases Planned 711
Navy Investigating Intentional Killings of Civilians in Haditha, Iraq 713
Further UCMJ Proceedings for Violations of Humanitarian Law 714
UN Security Council Issues Presidential Statement on Iranian Nuclear Program; No Agreement on Next Steps 715
U.S.-India Civil Nuclear Cooperation Faces Congressional Scrutiny 717
United States Seeks Limits on Persistent and Non-detectable Landmines 719
United States Seeks Extended Deadline for Chemical Weapons Destruction 720
United States Tables Draft Treaty to End Production of Plutonium and Highly Enriched Uranium for Weapons 721
Brief Notes 722

Recent Books on International Law

Edited by Richard B. Bilder

Review Essay
The Emergence of Transnational Labor Law

Book Reviews
Alvarez, José E. International Organizations as Law-Makers (Mahnoush H. Arsanjani) 733
Paulsson, Jan. Denial of Justice in International Law (John R. Crook) 742
Sandals, Philippe. Lawless World: America and the Making and Breaking of Global Rules from FDR's Atlantic Charter to George W. Bush's Illegal War (Steven J. Ratner) 746
Lindholm, Anna-Karin. Non-governmental Organisations in International Law; Martens, Kertin. NGOs and the United Nations: Institutionalisation, Professionalisation and Adaptation (Steve Charnovitz) 751
Anghe, Antony. Imperialism, Sovereignty and the Making of International Law (Dan Danielsen) 757

Briefers Notice
Macdonald, Ronald St. John, and Douglas M. Johnston (eds.) Towards World Constitutionalism: Issues in the Legal Ordering of the World Community (Kelly Vinopal) 762

Collected Essays

Books Received

International Legal Materials. Contents, Vol. XLV, No. 3 (July 2006) 767