

Published by

The American Society of International Law

AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 96

October 2002

NO. 4

PAGE

CONTENTS

Symposium: The ILC's State Responsibility Articles

Edited by Daniel Bodansky and John R Crook After years of work and controversy, the International Law Commission has completed its articles on state responsibility, a fundamental concept of international law. The contributors to this symposium probe the basic premises of the Commission's work, examine central issues of invocation, countermeasures, and remedies, and weigh the authority and future relevance of the árdeles. Introduction and Overview Daniel Bodansky and John R Crook 773 792 The ILC and State Responsibility Robert Rosenstock Invoking State Responsibility in the Twenty-first Century Edith Brown Weiss 798 **Counterintuiting Countermeasures** David J. Bederman 817 Righting Wrongs: Reparations in the Articles on State Responsibility Dinah Shelton 833 The ILC Articles on State Responsibility: The Paradoxical Relationship Between Form and Authority David D.Caron 857 The ILC's Articles on Responsibility of States for Internationally Wrongful Acts: A Retrospect James Crawford 874 Editorial Comments The Taliban, Al Qaeda, and the Determination of Illegal Combatants George H. Aldrich 891 Inspections and Their Enforcement: A Modest Proposal Thomas M. Franck 899 Notes and Comments The Security Council Starts Legislating Paul C. Szasz 901 Jus ad Helium, and Jus in Bello After September 11 Steven R. Ratner 905 Current Developments The Second Review Conference of the 1980 Convention on Certain 922 **Conventional Weapons** David Kaye and Steven A. Solomon

International Decisions Edited by Bernard H. Oxman Decision Regarding Communication 155/96 (Social and Economic Rights Action Center/

Pretty v. United Kingdom (M. A. Sanderson) European Court of Human Rights judgment on assisted suicide	943
Kingdom of the Netherlands v. European Parliament & Council of the European Union (juliane Kokott and Thomas Diehn) European Court of Justice decision regarding effect on biotechnology directive of European Patent Convention, TRIPS & TBT Agreements, and Biodiversity Convention	950
Contemporary Practice of the United States Relating to International Law	
Edited by Sean D. Murphy	050
Efforts to Address Iraqi Compliance with UN Weapons Inspections U.S. Funding for the UN Population Fund	956 962
	962 953
U.S. Expulsion of Iraqi Diplomat FSIA Terrorist-Exception Cases in 2002	955 964
•	904 967
	907 969
U.S. Reaction to Russian Continental Shelf Claim U.S. View on Pursuing a Torture Convention Protocol on Preventive Visits	909 970
	970 971
Senate Consideration of CEDAW Hate-Speech Protocol to Cybercrime Convention	971
American Servicemembers' Protection Act	975 975
Imposition of U.S. Tariffs on Steel Imports	975
Tr^de Developments Between the United States and SubSaharan Africa	978
2002 Enactment of Trade-Promotion Authority	979
U.S. Nationals Detained as Unlawful Combatants	981
0.5. Mutohus Detanea as Onawju Comoanus	701
Recent Books on International Law Edited by Richard B. Bilder	
Review Essay	
: Pogge, Thomas W. (ed.). <i>Global Justice</i> (Joel P. Trachtman)	984
; Pogge, Thomas W. (ed.). <i>Global Justice</i> (Joel P. Trachtman) Book Reviews	984
	984 995
Book Reviews Koskenniemi, Martti. The Gentle Civilizer of Nations: The Rise and Fall of Interna- tional Law 1870-1960 (A. W. Brian Simpson)	
Book Reviews Koskenniemi, Martti. The Gentle Civilizer of Nations: The Rise and Fall of Interna-	
 Book Reviews Koskenniemi, Martti. The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960 (A. W. Brian Simpson) Zawati, Hilmi M. Is Jihad a Just War? War, Peace and Human Rights Under Islamic 	995
 Book Reviews Koskenniemi, Martti. The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960 (A. W. Brian Simpson) Zawati, Hilmi M. Is Jihad a Just War? War, Peace and Human Rights Under Islamic and Public International Law (M. Cherif Bassiouni) McDonald, Gabrielle Kirk, and Olivia Swaak-Goldman (eds.).Substantive and Procedural Aspects of International Criminal Law: The Experience of International	995
Book ReviewsKoskenniemi, Martti. The Gentle Civilizer of Nations: The Rise and Fall of Interna- tional Law 1870-1960 (A. W. Brian Simpson)Zawati, Hilmi M. Is Jihad a Just War? War, Peace and Human Rights Under Islamic and Public International Law (M. Cherif Bassiouni)McDonald, Gabrielle Kirk, and Olivia Swaak-Goldman (eds.).Substantive and Procedural Aspects of International Criminal Law: The Experience of International and National Courts (Jordan J. Paust)	995
 Book Reviews Koskenniemi, Martti. The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960 (A. W. Brian Simpson) Zawati, Hilmi M. Is Jihad a Just War? War, Peace and Human Rights Under Islamic and Public International Law (M. Cherif Bassiouni) McDonald, Gabrielle Kirk, and Olivia Swaak-Goldman (eds.).Substantive and Procedural Aspects of International Criminal Law: The Experience of International	995 1000
Book ReviewsKoskenniemi, Martti. The Gentle Civilizer of Nations: The Rise and Fall of Interna- tional Law 1870-1960 (A. W. Brian Simpson)Zawati, Hilmi M. Is Jihad a Just War? War, Peace and Human Rights Under Islamic and Public International Law (M. Cherif Bassiouni)McDonald, Gabrielle Kirk, and Olivia Swaak-Goldman (eds.).Substantive and Procedural Aspects of International Criminal Law: The Experience of International and National Courts (Jordan J. Paust)	995 1000
 Book Reviews Koskenniemi, Martti. The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960 (A. W. Brian Simpson) Zawati, Hilmi M. Is Jihad a Just War? War, Peace and Human Rights Under Islamic and Public International Law (M. Cherif Bassiouni) McDonald, Gabrielle Kirk, and Olivia Swaak-Goldman (eds.).Substantive and Procedural Aspects of International Criminal Law: The Experience of International and National Courts (Jordan J. Paust) Malloy, Michael P. United States Economic Sanctions: Theory and Practice (John Ellicott) Joelson, Mark R. An International Antitrust Primer: A Guide to the Operation of the 	995 1000 1006
 Book Reviews Koskenniemi, Martti. The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960 (A. W. Brian Simpson) Zawati, Hilmi M. Is Jihad a Just War? War, Peace and Human Rights Under Islamic and Public International Law (M. Cherif Bassiouni) McDonald, Gabrielle Kirk, and Olivia Swaak-Goldman (eds.).Substantive and Procedural Aspects of International Criminal Law: The Experience of International and National Courts (Jordan J. Paust) Malloy, Michael P. United States Economic Sanctions: Theory and Practice (John Ellicott) Joelson, Mark R. An International Antitrust Primer: A Guide to the Operation of the United States, European Union, and Other Key Competition Laws in the Global	995 1000 1006 1009
 Book Reviews Koskenniemi, Martti. The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960 (A. W. Brian Simpson) Zawati, Hilmi M. Is Jihad a Just War? War, Peace and Human Rights Under Islamic and Public International Law (M. Cherif Bassiouni) McDonald, Gabrielle Kirk, and Olivia Swaak-Goldman (eds.). Substantive and Procedural Aspects of International Criminal Law: The Experience of International and National Courts (Jordan J. Paust) Malloy, Michael P. United States Economic Sanctions: Theory and Practice (John Ellicott) Joelson, Mark R. An International Antitrust Primer: A Guide to the Operation of the United States, European Union, and Other Key Competition Laws in the Global Economy (Susan L. Karamanian) 	995 1000 1006
 Book Reviews Koskenniemi, Martti. The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960 (A. W. Brian Simpson) Zawati, Hilmi M. Is Jihad a Just War? War, Peace and Human Rights Under Islamic and Public International Law (M. Cherif Bassiouni) McDonald, Gabrielle Kirk, and Olivia Swaak-Goldman (eds.).Substantive and Procedural Aspects of International Criminal Law: The Experience of International and National Courts (Jordan J. Paust) Malloy, Michael P. United States Economic Sanctions: Theory and Practice (John Ellicott) Joelson, Mark R. An International Antitrust Primer: A Guide to the Operation of the United States, European Union, and Other Key Competition Laws in the Global Economy (Susan L. Karamanian) Trouwborst, Arie. Evolution and Status of the Precautionary Principle in Interna- 	9951000100610091012
 Book Reviews Koskenniemi, Martti. The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960 (A. W. Brian Simpson) Zawati, Hilmi M. Is Jihad a Just War? War, Peace and Human Rights Under Islamic and Public International Law (M. Cherif Bassiouni) McDonald, Gabrielle Kirk, and Olivia Swaak-Goldman (eds.).Substantive and Procedural Aspects of International Criminal Law: The Experience of International and National Courts (Jordan J. Paust) Malloy, Michael P. United States Economic Sanctions: Theory and Practice (John Ellicott) Joelson, Mark R. An International Antitrust Primer: A Guide to the Operation of the United States, European Union, and Other Key Competition Laws in the Global Economy (Susan L. Karamanian) Trouwborst, Arie. Evolution and Status of the Precautionary Principle in International Law (Sumudu Atapattu) 	99510001006100910121016
 Book Reviews Koskenniemi, Martti. The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960 (A. W. Brian Simpson) Zawati, Hilmi M. Is Jihad a Just War? War, Peace and Human Rights Under Islamic and Public International Law (M. Cherif Bassiouni) McDonald, Gabrielle Kirk, and Olivia Swaak-Goldman (eds.).Substantive and Procedural Aspects of International Criminal Law: The Experience of International and National Courts (Jordan J. Paust) Malloy, Michael P. United States Economic Sanctions: Theory and Practice (John Ellicott) Joelson, Mark R. An International Antitrust Primer: A Guide to the Operation of the United States, European Union, and Other Key Competition Laws in the Global Economy (Susan L. Karamanian) Trouwborst, Arie. Evolution and Status of the Precautionary Principle in Interna- 	9951000100610091012
 Book Reviews Koskenniemi, Martti. The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960 (A. W. Brian Simpson) Zawati, Hilmi M. Is Jihad a Just War? War, Peace and Human Rights Under Islamic and Public International Law (M. Cherif Bassiouni) McDonald, Gabrielle Kirk, and Olivia Swaak-Goldman (eds.).Substantive and Procedural Aspects of International Criminal Law: The Experience of International and National Courts (Jordan J. Paust) Malloy, Michael P. United States Economic Sanctions: Theory and Practice (John Ellicott) Joelson, Mark R. An International Antitrust Primer: A Guide to the Operation of the United States, European Union, and Other Key Competition Laws in the Global Economy (Susan L. Karamanian) Trouwborst, Arie. Evolution and Status of the Precautionary Principle in International Law (Sumudu Atapattu) 	99510001006100910121016
 Book Reviews Koskenniemi, Martti. <i>The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960</i> (A. W. Brian Simpson) Zawati, Hilmi M. <i>Is Jihad a Just War? War, Peace and Human Rights Under Islamic and Public International Law</i> (M. Cherif Bassiouni) McDonald, Gabrielle Kirk, and Olivia Swaak-Goldman (eds.). <i>Substantive and Procedural Aspects of International Criminal Law: The Experience of International and National Courts</i> (Jordan J. Paust) Malloy, Michael P. <i>United States Economic Sanctions: Theory and Practice</i> (John Ellicott) Joelson, Mark R. <i>An International Antitrust Primer: A Guide to the Operation of the United States, European Union, and Other Key Competition Laws in the Global Economy</i> (Susan L. Karamanian) Trouwborst, Arie. <i>Evolution and Status of the Precautionary Principle in International Law</i> (Sumudu Atapattu) 	 995 1000 1006 1009 1012 1016 1019
 Book Reviews Koskenniemi, Martti. The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960 (A. W. Brian Simpson) Zawati, Hilmi M. Is Jihad a Just War? War, Peace and Human Rights Under Islamic and Public International Law (M. Cherif Bassiouni) McDonald, Gabrielle Kirk, and Olivia Swaak-Goldman (eds.).Substantive and Procedural Aspects of International Criminal Law: The Experience of International and National Courts (Jordan J. Paust) Malloy, Michael P. United States Economic Sanctions: Theory and Practice (John Ellicott) Joelson, Mark R. An International Antitrust Primer: A Guide to the Operation of the United States, European Union, and Other Key Competition Laws in the Global Economy (Susan L. Karamanian) Trouwborst, Arie. Evolution and Status of the Precautionary Principle in International Law (Sumudu Atapattu) Books Received International Legal Materials. Contents, Vol. XLI, No. 5 (September 2002) 	 995 1000 1006 1009 1012 1016 1019 1022