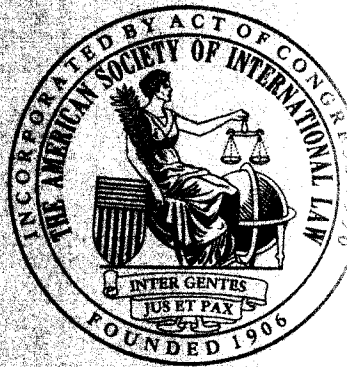


*American  
Journal of  
International  
Law*

*October 1998  
Vol. 92 No. 4*



*Published by*

*The American Society of International Law*

# AMERICAN JOURNAL OF INTERNATIONAL LAW

CARDEX	X
VOGES	
B. DATOS	
OK	
	Jan 1 / 1999

VOL. 92

October 1998

NO. 4

## CONTENTS

	PAGE
<b>The Political Economy of a Bilateral Investment Treaty</b> <i>Kenneth J. Vandeveld</i>	621
An astonishing increase in the number of bilateral investment treaties concluded during the 1990s appears to signal the emergence of a liberal international investment regime. The author argues, however, that these treaties are best understood as economic nationalist rather than liberal instruments. He concludes with a summary of proposed modifications to the treaties that would render them more genuinely liberal.	
<b>The Legal Mandate of Multilateral Development Banks as Agents for Change toward Sustainable Development</b> <i>Günther Handl</i>	642
In view of multilateral development banks' critical role in global development, can furthering sustainable development be squared with their mandate to base lending activities exclusively on "economic considerations"? This article shows that these activities are delineated by general international law, if not by certain special obligations. It concludes that the normative implications of sustainable development provide both a legal basis for considering noneconomic factors in lending activities, and an international legal dimension requiring banks to apply environmental and social development criteria.	
<b>Agora: <i>Breard</i></b>	
The Facts <i>Jonathan I. Charney and W. Michael Reisman</i>	666
The Abiding Relevance of Federalism to U.S. Foreign Relations <i>Curtis A. Bradley and Jack L. Goldsmith</i>	675
Provisional Measures, U.S. Treaty Obligations, and the States <i>Louis Henkin</i>	679
<i>Breard</i> and the Federal Power to Require Compliance with ICJ Orders of Provisional Measures <i>Carlos Manuel Vázquez</i>	683
<i>Breard</i> and Treaty-Based Rights under the Consular Convention <i>Jordan J. Paust</i>	691
The Justiciability of Paraguay's Claim of Treaty Violation <i>Lori Fisler Damrosch</i>	697
<i>Zschernig v. Miller</i> and the <i>Breard</i> Matter <i>Frederic L. Kirgis</i>	704
Court to Court <i>Anne-Marie Slaughter</i>	708
<b>Editorial Comments</b>	
Confronting Difference: The Puzzling Durability of Gentili's Combination of Pragmatic Pluralism and Normative Judgment <i>Benedict Kingsbury</i>	713
The Enforcement of Security Council Resolution 687: The Threat of Force against Iraq's Weapons of Mass Destruction <i>Ruth Wedgwood</i>	724
<b>Notes and Comments</b>	
Myres Smith McDougal (1906-1998) <i>Richard A. Falk, Rosalyn C. Higgins, W. Michael Reisman and Burns H. Weston</i>	729
<b>Contemporary Practice of the United States Relating to International Law</b> <i>Marian Nash (Leich)</i>	734
<b>International Decisions</b> <i>Edited by Bernard H. Oxman</i>	751
Land and Maritime Boundary between Cameroon and Nigeria <i>Peter H. F. Bekker</i>	
International Court of Justice ruling on jurisdiction and admissibility in case concerning land and maritime boundary	

European Communities—Measures concerning Meat and Meat Products	
	<i>David A. Wirth</i>
World Trade Organization Appellate Body report on European Community import restrictions on hormone-treated beef	
United States v. Balsys	<i>Diane Marie Amann</i>
U.S. Supreme Court ruling on privilege against self-incrimination where witness fears foreign prosecution	
<i>In re</i> Aquarone	<i>Stefan A. Riensfeld</i>
French Council of State decision on immunity from taxation of pension of former Registrar of the International Court of Justice	
Prefecture of Voiotia v. Federal Republic of Germany	<i>Ilias Bantekas</i>
Greek trial court judgment on Germany's immunity from suit and liability for unlawful acts against persons and property during World War II occupation	
Alejandro v. Republic of Cuba	<i>Stephen J. Schnably</i>
U.S. district court judgment on Cuba's immunity from suit and liability for death caused by shooting down of private aircraft	

### Current Developments

The International Convention for the Suppression of Terrorist Bombings	
	<i>Samuel M. Witten</i> 774

### Book Reviews and Notes

*Edited by Richard B. Bilder*

Kohen, Marcelo G. <i>Possession contestée et souveraineté territoriale</i> (Steven R. Ratner)	782
Davidson, Scott. <i>The Inter-American Human Rights System</i> (W. Michael Reisman)	784
Hathaway, James C. (ed.). <i>Reconceiving International Refugee Law</i> (Walter L. Brill)	785
Zieck, Marjoleine. <i>UNHCR and Voluntary Repatriation of Refugees: A Legal Analysis</i> (Walter L. Brill)	785
Ragazzi, Maurizio. <i>The Concept of International Obligations Erga Omnes</i> (Juan-Antonio Carrillo-Salcedo)	791
Opeskin, Brian R., and Donald R. Rothwell (eds.). <i>International Law and Australian Federalism</i> (Rosalie Balkin)	793
Miles, Edward L. <i>Global Oceans Politics: The Decision Process at the Third United Nations Conference on the Law of the Sea, 1973-1982</i> (David Anderson)	796
Galdorisi, George V., and Kevin R. Vienna. <i>Beyond the Law of the Sea: New Directions for U.S. Oceans Policy</i> (David A. Colson)	798
Coates, A. J. <i>The Ethics of War</i> (L. C. Green)	799
Kuper, Jenny. <i>International Law Concerning Child Civilians in Armed Conflict</i> (Joël Mermet)	802
Simpson, Elizabeth (ed.). <i>The Spoils of War</i> (James A. R. Nafziger)	804
Feliciano, Hector. <i>The Lost Museum</i> (James A. R. Nafziger)	804
Kowalski, Wojciech W. <i>Art Treasures and War</i> (James A. R. Nafziger)	804
Brans, Edward H. P., Esther J. de Haan, André Nollkaemper, and Jan Rinzema (eds.). <i>The Scarcity of Water: Emerging Legal and Policy Responses</i> (Heinz Klug)	806
Review Essay: Keck, Margaret E., and Kathryn Sikkink. <i>Activists Beyond Borders: Advocacy Networks in International Politics</i> ; Rosenau, James N. <i>Along the Domestic-Foreign Frontier: Exploring Governance in a Turbulent World</i> ; Wapner, Paul. <i>Environmental Activism and World Civic Politics</i> ; Strange, Susan. <i>The Retreat of the State: The Diffusion of Power in the World Economy</i> (Peter J. Spiro)	808

**Briefer Notices:** Bassiouni, 812; Boisson de Chazournes, Desgagné, and Romano, 814.

**Collected Essays:** *Recueil des cours. Collected Courses of the Hague Academy of International Law 1997* (Vol. 264), 815; *Liber Amicorum: Professor Ignaz Seidl-Hohenveldern in Honour of his 80th Birthday*, 815; *International Law: Theory and Practice: Essays in Honour of Eric Suy*, 816; *Netherlands Yearbook of International Law 1997* (Vol. 28), 817; *Max Planck Yearbook of United Nations Law 1997* (Vol. 1), 817.

### Books Received

<b>International Legal Materials.</b> Contents, Vol. XXXVII, No. 4 (July 1998) and No. 5 (September 1998)	817
<b>Table of Cases</b>	821
<b>Index</b>	824
	827