

*American
Journal of
International
Law*

April 1999

Vol. 93 No. 2



Published by

The American Society of International Law

AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 93

April 1999

NO. 2

CONTENTS

	PAGE
Symposium on Method in International Law	
<i>Edited by Steven R. Ratner and Anne-Marie Slaughter</i>	
Appraising the Methods of International Law: A Prospectus for Readers <i>Steven R. Ratner and Anne-Marie Slaughter</i>	291
The Responsibility of Individuals for Human Rights Abuses in Internal Conflicts: A Positivist View <i>Bruno Simma and Andreas L. Paulus</i>	302
Policy-Oriented Jurisprudence and Human Rights Abuses in Internal Conflict: Toward a World Public Order of Human Dignity <i>Siegfried Wiessner and Andrew R. Willard</i>	316
New International Legal Process <i>Mary Ellen O'Connell</i>	334
Letter to the Editors of the Symposium <i>Martti Koskenniemi</i>	351
International Relations Theory, International Law, and the Regime Governing Atrocities in Internal Conflicts <i>Kenneth W. Abbott</i>	361
Feminist Methods in International Law <i>Hilary Charlesworth</i>	379
The Law and Economics of Humanitarian Law Violations in Internal Conflict <i>Jeffrey L. Dunoff and Joel P. Trachtman</i>	394
The Method Is the Message <i>Anne-Marie Slaughter and Steven R. Ratner</i>	410
"Constitutionalization" and Dispute Settlement in the WTO: National Security as an Issue of Competence <i>Hannes L. Schloemann and Stefan Ohlhoff</i>	424
The constitutionalization of the WTO is forcing a reappraisal of certain states' claims based on national security. The authors examine the claim raised in the U.S.-EC Helms-Burton dispute that the very invocation of the GATT's security exception bars WTO review. They conclude that the sovereign prerogative of the state to define its essential security interests does not exclude the WTO's interpretive and adjudicatory competence. A clear separation of spheres allows for a constitutional solution within the system.	
Editorial Comment	
Progress in International Criminal Law? <i>Jonathan I. Charney</i>	452
Notes and Comments	
Stefan A. Riesenfeld (1908-1999) <i>David D. Caron</i>	465
Correspondence	467
The Francis Deák Prize	469
Contemporary Practice of the United States Relating to International Law <i>Edited by Sean D. Murphy</i>	
470	
International Decisions <i>Edited by Bernard H. Oxman</i>	
502	
Fisheries Jurisdiction (Spain v. Canada) <i>Barbara Kwiatkowska</i>	502
International Court of Justice ruling on jurisdiction under the optional clause where foreign fishing vessel is seized on the high seas	
United States—Import Prohibition of Certain Shrimp Products <i>Gregory Shaffer</i>	502
WTO Appellate Body ruling on import ban on shrimp harvested without devices permitting turtles to escape	
Prosecutor v. Delalic <i>Olivia Swaak-Goldman</i>	502
International Criminal Tribunal for the former Yugoslavia judgment on command responsibility and international character of the Bosnian conflict	

- Re* Reference by the Governor in Council concerning certain questions relating to the secession of Quebec from Canada *Stephen J. Toope*
Canadian Supreme Court opinion on secession and self-determination
- In re* *In re* Munyeshyaka *Brigitte Stern*
French Cour de cassation decisions regarding universal jurisdiction over human rights offenses in Bosnia and Rwanda
- Mugesera v. Minister of Citizenship and Immigration* *William A. Schabas*
Canadian Immigration and Refugee Board appellate decision on expulsion of alien for inciting genocide in Rwanda

Current Developments

- The 1998 Judicial Activity of the International Court of Justice
Peter H. F. Bekker 534

Book Reviews and Notes

Edited by Richard B. Bilder

- Brower, Charles N., and Jason D. Brueschke. *The Iran-United States Claims Tribunal* (David J. Bederman) 538
- Meron, Theodor. *Bloody Constraint: War and Chivalry in Shakespeare* (A. W. Brian Simpson) 540
- Ku, Charlotte, and Paul F. Diehl (eds.). *International Law: Classic and Contemporary Readings* (Barbara Stark) 541
- Dallmeyer, Dorinda G. (ed.). *Joining Together, Standing Apart: National Identities after NAFTA* (Jonathan T. Fried) 544
- Jones, John R. W. D. *The Practice of the International Criminal Tribunals for the Former Yugoslavia and Rwanda* (Michael P. Scharf) 547
- Nino, Carlos Santiago. *Radical Evil on Trial* (Juan A. Millán) 548
- Lauren, Paul Gordon. *The Evolution of International Human Rights: Visions Seen* (Dinah Shelton) 551
- Harris, David, and Stephen Livingstone (eds.). *The Inter-American System of Human Rights* (Douglass Cassel) 555
- Kokott, Juliane. *The Burden of Proof in Comparative and International Human Rights Law: Civil and Common Law Approaches with Special Reference to the American and German Legal Systems* (Moshe Cohen) 556
- Cholewinski, Ryszard. *Migrant Workers in International Human Rights Law: Their Protection in Countries of Employment* (Manolo I. Abella) 559
- Elazar, Daniel J. *Constitutionalizing Globalization: The Postmodern Revival of Confederal Arrangements* (Paul R. Williams and Ramzi Nemo) 561

Briefer Notices: *Encyclopedia of U.S. Foreign Relations*, 564; *Multilateral Treaty Calendar*, 565.

CoUected Essays: *Max Planck Yearbook of United Nations Law 1998* (Vol. 2), 566; *Asian Yearbook of International Law 1996*, 566; *Recudí des Cours. Collected Courses of the Hague Academy of International Law 1997* (Vol. 269), 1997, 567.

Books Received

567

International Legal Materials. Contents, Vol. XXXVIII, No. 1 (January 1999) and No. 2 (March 1999)

571