

AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 92

April 1998

NO. 2

CONTENTS

	PAGE
Reconciling Extradition with Human Rights	
<i>John Dugard and Christine Van den Wyngaert</i>	187
Human rights considerations are increasingly invoked as a bar to extradition. This article examines this development, paying particular attention to the human rights most likely to obstruct extradition. In suggesting methods of balancing the competing interests of human rights and international cooperation in the suppression of crime, the authors consider the increased use of conditional extradition. They propose that extradition laws should expressly accommodate human rights interests.	
Lincoln, Lieber and the Laws of War: The Origins and Limits of the Principle of Military Necessity	
<i>Burrus M. Carnahan</i>	213
Military necessity was first stated as a legal principle in General Orders No. 100, a codification of the law of war drafted by Francis Lieber and issued by President Lincoln in 1863. Controversial from the beginning, the principle was nevertheless intended as a new restraint on military discretion, as Lincoln's application of it during the Civil War demonstrates. Military necessity remains an important restraint on military operations in new situations for which specific rules have yet to be established.	
Editorial Comments	
Restitution for Historic Wrongs, the American Courts and International Law	
<i>Detlev F. Vagts</i>	232
Classification of Armed Conflict in the Former Yugoslavia: <i>Nicaragua's</i> Fallout	
<i>Theodor Meron</i>	236
Correspondence	242
Contemporary Practice of the United States Relating to International Law	
<i>Marian Nash (Leich)</i>	243
International Decisions	
Gabčíkovo-Nagymaros Project	
International Court of Justice Judgment on continuing effect of 1977 treaty between Czechoslovakia and Hungary regarding Danube River project	
The M/V "Saiga"	
First judgment by International Tribunal for the Law of the Sea, applying new procedure for prompt release on bond of detained vessel and crew	
Prosecutor v. Erdemović	
Appellate opinion of International Criminal Tribunal for the former Yugoslavia on guilty pleas and on duress as defense to homicide	
Well Blowout Control Claim	
Decision by Governing Council of UN Compensation Commission on Kuwaiti claims for cost of extinguishing oil well fires set during Iraqi occupation	
Portuguese Republic v. Council	
European Court of Justice ruling on Community competence to include human rights and democracy commitments in cooperation agreements with developing countries	

Marschall v. Land Nordrhein-Westfalen	<i>Julie A. Mertus</i>	
European Court of Justice decision on employment discrimination and positive action to encourage hiring and promotion of women		
Japan v. Kim Sun-Ki	<i>Hee Kwon Park</i>	
Japanese ruling on arrest of South Korean fishing boat in light of 1965 agreement requiring consultation prior to adoption of straight baselines		
Caglar v. H.M. Inspector of Taxes	<i>David Turns</i>	
British tax decision on status of Turkish Republic of Northern Cyprus and its Turkish Cypriot employees in the UK		
Doe v. Unocal	<i>William J. Aceves</i>	
U.S. district court ruling in action by Burmese farmers for human rights violations against their persons and property		

Current Developments

The Kyoto Protocol to the United Nations Framework Convention on Climate Change	<i>Clare Breidenich, Daniel Magraw, Anne Rowley and James W. Rubin</i>	315
The Fifth Session of the UN Preparatory Committee on the Establishment of an International Criminal Court	<i>Christopher Keith Hall</i>	331
UN Compensation Commission Panel Sets Precedents on Government Claims	<i>Veijo Heiskanen and Robert O'Brien</i>	339
The 1997 Judicial Activity of the International Court of Justice	<i>Peter H. F. Bekker</i>	350

Book Reviews and Notes

<i>Edited by Richard B. Bilder</i>		
Shahabuddeen, Mohamed. <i>Precedent in the World Court</i> (Rudolf Bernhardt)		352
Sabel, Robbie. <i>Procedure at International Conferences: A Study of the Rules of Procedure of Conferences and Assemblies of International Inter-governmental Organizations</i> (Philip Alston)		353
Valencia, Mark J., Jon M. Van Dyke, and Noel A. Ludwig. <i>Sharing the Resources of the South China Sea</i> (Choon-ho Park)		354
Butler, William E. <i>The Russian Law of Treaties</i> (Gennady M. Danilenko)		356
Conforti, Benedetto. <i>The Law and Practice of the United Nations</i> (Yehuda Z. Blum)		358
Duursma, Jorri C. <i>Fragmentation and the International Relations of Micro-States</i> (Gregory H. Fox)		359

Collected Essays: *Recueil des Cours. Collected Courses of the Hague Academy of International Law 1996* (Vol. 260), 362.

Books Received	362
International Legal Materials. Contents, Vol. XXXVII, No. 1 (January 1998)	366