

# AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 96

July 2002

NO. 3

## CONTENTS

PAGE

<p><b>Human Rights Treaties, Invalid Reservations, and State Consent</b> <i>Ryan Goodman</i></p> <p>The author argues that a human rights treaty regime that permits third-party institutions to sever an invalid reservation maximizes state consent. To substantiate this claim, he draws on empirical studies in international relations and analyzes comparative state treaty practice, concluding by proposing an interpretive presumption for such a treaty regime in light of the available empirical record.</p>	531
<p><b>Legal Aspects of the IMF/WTO Relationship: The Fund's Articles of Agreement and the WTO Agreements</b> <i>Deborah E. Siegel</i></p> <p>This article examines the provisions in the WTO Agreements that address interaction with the IMF and recent case law reflecting approaches panels have taken to consulting the Fund. The author points to ambiguities concerning the Fund/WTO relationship in the WTO Agreements and clarifies common misunderstandings about the legal nature of the Fund's activities.</p>	561
<p><b>Editorial Comment</b></p> <p>Sex, Gender, and September 11 <i>Hilary Charlesworth and Christine Chinkin</i></p>	600
<p><b>Notes and Comments</b></p> <p>Treaties in Collision? The Biosafety Protocol and the World Trade Organization Agreements <i>Sabrina Safrin</i></p> <p>Redressing the Wrongs of the International Justice System: Compensation for Persons Erroneously Detained, Prosecuted, or Convicted by the Ad Hoc Tribunals <i>Stuart Beresford</i></p> <p>Correspondence</p> <p>The Francis Deák Prize</p>	606 628 646 647
<p><b>Current Developments</b></p> <p>The Sixth Session (Part Two) and Seventh Session of the Conference of the Parties to the Framework Convention on Climate Change <i>David A. Wirth</i></p> <p>Australian Refugee Protection in the Wake of the Tampa <i>Penelope Mathew</i></p>	648 661
<p><b>International Decisions</b> <i>Edited by Bernard H. Oxman</i></p> <p><i>Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)</i> (Alexander Orakhelashvili)</p> <p>International Court of Justice judgment on immunity of incumbent foreign minister from arrest on charges of war crimes and crimes against humanity committed before taking office</p> <p><i>United States—Import Prohibition of Certain Shrimp and Shrimp Products—Recourse to Article 21.5 of the DSU by Malaysia</i> (Louise de La Fayette)</p> <p>Second WTO Appellate Body ruling on U.S. restrictions on imports of shrimp harvested without adequate means to avoid trapping endangered species of turtles</p>	677 685

<i>Hatton v. United Kingdom</i> (Rhona K. M. Smith)	692
European Court of Human Rights decision on regulation of night flights at Heathrow Airport and the right to peaceful enjoyment of one's home and private and family life	
<i>McElhinney v. Ireland, Al-Adsani v. United Kingdom, Fogarty v. United Kingdom</i> (Marius Emberland)	699
European Court of Human Rights decisions on immunity of foreign states from suit and the right of access to courts in civil cases	
<b>Contemporary Practice of the United States Relating to International Law</b>	
	<i>Edited by Sean D. Murphy</i>
<i>U.S. Interpretation of Continuous Nationality Rule</i>	706
<i>U.S. Interpretation of Denial of Justice Standard</i>	707
<i>Interpretation of 1949 Convention on Road Traffic</i>	709
<i>U.S. Initiative to Oust OPCW Director-General</i>	711
<i>Blocking of Iceland's Effort to Join Whaling Convention</i>	712
<i>"Revenue Rule" Barring of Foreign Suits Concerning Cigarettes</i>	715
<i>U.S. "Millennium Challenge Account" for Foreign Aid</i>	717
<i>Election of United States to UN Human Rights Commission</i>	718
<i>North Koreans Seeking Asylum at Diplomatic Compounds in China</i>	718
<i>Doctrine of Command Responsibility in U.S. Human Rights Cases</i>	719
<i>U.S. Notification of Intent Not to Become a Party to the Rome Statute</i>	724
<i>Efforts to Obtain Immunity from ICC for U.S. Peacekeepers</i>	725
<i>U.S. Pressure on Serbia to Transfer ICTY Indictees</i>	729
<i>Inter-American Human Rights Commission Criticism Decision on Cuba Detainees</i>	730
<i>U.S. Department of Defense Rules on Military Commissions</i>	731
<i>Signing of Treaty on Strategic Offensive Reductions</i>	734
<b>Recent Books on International Law</b>	
	<i>Edited by Richard B. Bilder</i>
<b>Book Reviews</b>	
Victor, David G. <i>The Collapse of the Kyoto Protocol and the Struggle to Slow Global Warming</i> (Oran R. Young)	736
Sands, Philippe, and Pierre Klein (eds.). <i>Bowett's Law of International Institutions</i> (5th ed.) (Frederic L. Kirgis)	741
Rodman, Kenneth A. <i>Sanctions Beyond Borders: Multinational Corporations and U.S. Economic Statecraft</i> (Andreas F. Lowenfeld)	745
Nye, Joseph S., Jr. and John D. Donahue (eds.). <i>Governance in a Globalizing World</i> (David M. Trubek)	748
Murphy, Sean D. <i>United States Practice in International Law: Volume 1, 1999–2001</i> ; Cummins, Sally J., and David P. Stewart (eds.). <i>Digest of United States Practice in International Law, 2000</i> (John King Gamble)	752
Letterman, G. Gregory. <i>Basics of International Intellectual Property Law</i> (Doris Estelle Long)	755
Gardam, Judith G., and Michelle J. Jarvis. <i>Women, Armed Conflict and International Law</i> (Valerie Oosterveld)	759
<b>Briefer Notices</b>	
Bradlow, Daniel D., and Alfred D. Escher (eds.). <i>Legal Aspects of Foreign Direct Investment</i> (Thomas J. Schoenbaum)	763
Abbell, Michael. <i>Obtaining Evidence Abroad in Criminal Cases; Extradition to and from the United States; and International Prisoner Transfer</i> (3 vols.) (Bruce Zagaris)	764
<b>Books Received</b>	
<b>International Legal Materials.</b> Contents, Vol. XLI, No. 4 (July 2002)	770



