

# AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 95

April 2001

NO. 2

## CONTENTS

### Complementary Agreements and Compulsory Jurisdiction

A dispute may arise under complementary treaties, each of which provides for a different dispute settlement procedure. If these procedures are deemed mutually exclusive, which should prevail and according to what criteria? If they are not exclusive, how can the dissimilar procedures be accommodated? These questions implicate basic policies about the role and effect of long-term commitments to compulsory jurisdiction in the international legal order.

*Bernard H. Oxman* 277

### The United States and Its Treaties: Observance and Breach

Recent developments have inspired doubts about the fidelity of the United States to its treaty obligations. This article surveys congressional overrides by federal law under the later-in-time rule, and actions by the executive, the courts, and the states that limit domestic implementation of certain treaties. It concludes that, contrary to general perceptions, actual U.S. practice is still largely compliant but that certain statements from each branch of the federal government indicate a new and troubling disrespect for U.S. treaty obligations.

*Detlev F. Vagts* 313

### Editorial Comments

Women's International Tribunal on Japanese Military Sexual Slavery

*Christine M. Chinkin* 335

Restitution as a Remedy in U.S. Courts for Violations of International Law

*Frederic L. Kirgis* 341

### Notes and Comments

War and Peace in Refugee Law Jurisprudence *Hugo Storey and Rebecca Wallace* 349

Executive Order 13,141 and the Environmental Review of Trade Agreements

*James Salzman* 366

*Forum Prorogatum* and the Advisory Proceedings of the International Court

*Sienho Yee* 381

Correspondence 385

### Contemporary Practice of the United States Relating to International Law

*Edited by Sean D. Murphy*

Resumption of U.S. Diplomatic Relations with the FRY 387

Agreement on UN Financial and Structural Reforms 389

U.S.-Mexico Continental Shelf Boundary in Gulf of Mexico 393

Acquittal of Salvadoran Generals in Nuns' Deaths	394
Defeat of House Resolution on "Armenian Genocide"	396
U.S. Signing of the Statute of the International Criminal Court	397
U.S. View of Crime of Aggression	400
ICTY Order for Disclosure of Information by NATO/SFOR	401
U.S. Reward Program for Rwandan War Criminals	404
Verdict in the Trial of the Lockerbie Bombing Suspects	405
International Trafficking in Persons, Especially Women and Children	407
Admissibility of U.S.-EU "Hushkits" Dispute Before the ICAO	410
Reform of U.S. Sanctions Relating to Agriculture and Medicine	413
Obligation to Replenish Iran-U.S. Claims Tribunal Security Account	414
U.S. Implementation of Intercountry Adoption Convention	416
Negotiation of Convention on Jurisdiction and Enforcement of Judgments	418
<b>International Decisions</b>	<i>Edited by Bernard H. Oxman</i>
<i>Salgueiro da Silva Mouta v. Portugal; A.D.T. v. United Kingdom</i> (Laurence R. Helfer)	422
European Court of Human Rights decisions on discrimination against homosexual parent in child custody case and on criminalization of private sexual conduct	
<i>Deutsche Post AG v. Gesellschaft für Zahlungssysteme mbH (GZS) and Citicorp Kartenservice GmbH</i> (Juliane Kokott and Sebastian Horsten)	430
European Court of Justice ruling on consistency with European competition law of remailing restrictions permitted by Universal Postal Convention	
<i>Cornejo-Barreto v. Seifert</i> (Jacques Semmelman)	435
Ninth Circuit ruling on judicial review of decision by the secretary of state to extradite a person claiming to be in danger of torture if extradited	
<i>State v. Stepansky</i> (Mary Coombs)	438
Florida Supreme Court decision on state criminal jurisdiction over burglary and sexual battery aboard cruise ship at sea operating out of Florida	
<b>Current Developments</b>	
The Military Extraterritorial Jurisdiction Act of 2000: Closing the Gap	<i>Mark J. Yost and Douglas S. Anderson</i>
	446
The London Declaration of International Law Principles on Internally Displaced Persons	<i>Luke T. Lee</i>
	454
<b>Book Reviews and Notes</b>	<i>Edited by Richard B. Bilder</i>
Charlesworth, Hilary, and Christine Chinkin. <i>The Boundaries of International Law: A Feminist Analysis</i> (José E. Alvarez)	459
Collier, John, and Vaughan Lowe. <i>The Settlement of Disputes in International Law: Institutions and Procedures</i> (Stephen M. Schwebel)	464
Lowenfeld, Andreas F. <i>The Role of Government in International Trade: Essays over Three Decades</i> (Robert E. Hudec)	466
Aust, Anthony. <i>Modern Treaty Law and Practice</i> (Jamison Borek)	468
Szasz, Paul C. (ed.). <i>Administrative and Expert Monitoring of International Treaties</i> (David A. Wirth)	471
Dunne, Tim, and Nicholas Wheeler (eds.). <i>Human Rights in Global Politics</i> (Christine M. Chinkin)	472
Nicholson, Frances, and Patrick Twomey. <i>Refugee Rights and Realities</i> (Arthur C. Helton)	478
Young, Oran R. <i>Creating Regimes: Arctic Accords and International Governance</i> ; Joyner, Christopher C. <i>Governing the Frozen Commons: The Antarctic Regime and Environmental Protection</i> (Evan T. Bloom)	481
<b>Collected Essays:</b> <i>The Italian Yearbook of International Law, 1999</i> (Vol. IX), 484	
<b>Books Received</b>	485
<b>International Legal Materials. Contents, Vol. XL, No. 2 (March 2001)</b>	487