

# THE AMERICAN SOCIETY OF INTERNATIONAL LAW

## PROCEEDINGS OF THE 85TH ANNUAL MEETING



WASHINGTON, D.C.  
APRIL 17–20, 1991

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For more than a half century concerned with problems of international order and the legal framework for international relations, the Society serves as a meeting place, forum and collegial research center for scholars, officials, practicing lawyers, students and others. The Society is hospitable to all viewpoints in its meetings and its publications. Those publications include the American Journal of International Law, International Legal Materials, occasional papers and books (many of which are the product of the panels of the Society's Board of Review and Development). A Society membership exceeding 5000 is drawn from some 100 countries. Membership is open to all, whatever their nationality or profession. For information, please write to the Membership Secretary.

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## INTRODUCTION

The 1991 *Proceedings* are the record of the Society's 85th Anniversary Annual Meeting. In recognition of the anniversary, the Program Committee adopted a theme for the meeting: "Law and the New World Order: Continuity and Change from an Eighty-Five Year Perspective." In keeping with this theme, panel Chairs were asked to include in their introductory remarks some reference to developments (if any) over the eighty-five year period 1906–1991 in the subjects under consideration.

To pursue the theme in the Introduction to these *Proceedings*, I looked back to the *Proceedings* of the Society's First Annual Meeting held April 19 and 20, 1907 in Washington, D.C. The President, Elihu Root, opened the meeting with the hope that it would "be the first of many meetings in unbroken succession to continue long after we personally have ceased to take part in affairs. . . ." He went on to describe the Society as a "*collegium*, in the true sense of the word, in which all who choose to seek a broader knowledge of the law that governs the affairs of nations may give each to the other the incitement of earnest and faithful study and may give to the great body of our countrymen a clearer view of their international rights and responsibilities."

In keeping with Mr. Root's mandate, the 1991 program includes a diversity of subjects which now properly find themselves considered at the Society's Annual Meeting and recorded in its *Proceedings*.

As with earlier *Proceedings*, this volume represents the collective and coordinated efforts of many individuals. The text of the *Proceedings* is the product of the collaboration of panelists, reporters, the *Proceedings* Editor and copyeditors. A representative and polished record of the meeting emerges from a process of review and comment throughout the stages of editing. This record is drawn from written papers, reporters' notes and transcriptions of taped remarks.

While the Society is grateful to all who contributed to the 1991 *Proceedings*, there are several individuals whose contributions I would like to acknowledge particularly. These are Virginia Cornett, who began work on these *Proceedings* prior to leaving the staff and whose considerable efforts in 1990 cleared up the Society's four-year backlog of *Proceedings*; Fred Donovan, who undertook portions of the copyediting; and Grant McClanahan, who prepared the Index.

Charlotte Ku  
*Administrative and Programs Director*  
October 1991

**PROCEEDINGS OF THE EIGHTY-FIFTH ANNUAL MEETING  
OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW**

CO-CHAIRS OF THE COMMITTEE  
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*David J. Scheffer*

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CONTENTS

*Wednesday, April 17: Afternoon*

**Special Capitol Hill Session. The Gulf War: Collective Security, War**

**Powers and Laws of War**

CO-CHAIR: The Honorable Daniel Patrick Moynihan .....	1
CO-CHAIR: Louis B. Sohn .....	3
REMARKS BY:	
Allan Gerson .....	4
Peter Raven-Hansen .....	8
Jordan J. Paust .....	13
COMMENTARY BY:	
Sharon A. Williams .....	16
DISCUSSION .....	18

*Wednesday, April 17: Evening*

**Changing Role of the International Court of Justice**

MODERATOR: Monroe Leigh .....	31
REMARKS BY:	
Mohamed Shahabuddeen .....	32
John Norton Moore .....	35
<i>The Waning of the Requirement of Consent.</i> Elihu Lauterpacht, CBE, Q.C. ....	38
<i>Third Party Intervention in Contentious Proceedings at the     International Court within the Context of Litigation Strategy.</i>	
Terry Gill .....	41
DISCUSSION .....	43

*Thursday, April 18: Morning*

**Open Session. Governing Rules Project: Review and Discussion on the  
Movement of Persons Across Borders**

OPENING REMARKS .....	51
PROJECT BACKGROUND .....	52
WORK OF THE TOPIC COMMITTEE .....	53
GOVERNING RULE NO. 1 .....	59

**Comparative Analysis of International Dispute Resolution Institutions**

MODERATOR: Barry E. Carter .....	64
REMARKS BY:	
David D. Caron .....	65
Frieder Roessler .....	71
Marguerite S. Millhauser .....	73
DISCUSSION .....	78

<b>Application of Humanitarian Law in Noninternational Armed Conflicts</b>	
<b>MODERATOR:</b> Theodor Meron .....	83
<b>REMARKS BY:</b>	
W. Michael Reisman .....	85
Luigi Condorelli .....	90
George H. Aldrich .....	93
René Kosirnik .....	96
J. Ashley Roach .....	98
<b>DISCUSSION</b> .....	100
<b>Roundtable on the Teaching of International Law</b>	
<b>MODERATOR:</b> Charlotte Ku .....	102
<b>ORGANIZING PAPER. REMARKS BY:</b>	
John King Gamble, Jr. ....	102
<b>COMMENTARY BY:</b>	
Edwin M. Smith .....	107
David Westin .....	108
Mary Ellen O'Connell .....	110
Elisabeth Zoller .....	113
Richard W. Edwards, Jr. ....	115
Michael H. Cardozo .....	116
Ronald St. J. Macdonald .....	117
<b>DISCUSSION</b> .....	120
<i>Thursday, April 18: Afternoon</i>	
<b>Joint Luncheon with the Canadian Council on International Law</b>	
<b>ADDRESS BY:</b> The Honorable A. Kim Campbell .....	125
<b>ASIL/CCIL Joint Panel on the Conduct of International Relations in Federal States</b>	
<b>MODERATOR:</b> Donald M. McRae .....	132
<b>REMARKS BY:</b>	
Ivan Bernier .....	132
Vladimir Kartashkin .....	137
Ruth Wedgwood .....	139
Detlev F. Vagts .....	141
Rudolf Bernhardt .....	143
<b>DISCUSSION</b> .....	146
<b>Europe 1992: Roundup on the Law and Politics of the European Community</b>	
<b>MODERATOR:</b> Anne-Marie Burley .....	152
<b>REMARKS BY:</b>	
George A. Bermann .....	153
Diane P. Wood .....	155
William J. Davey .....	159
Cynthia C. Lichtenstein .....	162
Carol F. Lee .....	164
<b>COMMENTS BY:</b>	
Joseph A. Weiler .....	168

**The Gulf War: The Law of International Sanctions**

MODERATOR: Barry R. Campbell ..... 169

REMARKS BY:

    Kimberly Ann Elliott ..... 170

    Gilberto Schlittler ..... 175

    Jeremy P. Carver ..... 181

    Danforth Newcomb ..... 183

DISCUSSION ..... 186

*Thursday, April 18: Evening*

**Plenary Session: The U.S. Constitution in its Third Century: Foreign Affairs**

MODERATOR: Louis Henkin ..... 191

REMARKS BY:

    Martin Shapiro ..... 192

    Lori Fisler Damrosch ..... 195

    Harold Hongju Koh ..... 199

    Adrien Wing ..... 204

DISCUSSION ..... 208

**The Gulf War: Environment as a Weapon**

MODERATOR: Philippe Sands ..... 214

REMARKS BY:

    Paul C. Szasz ..... 215

    Sebia Hawkins ..... 220

COMMENTARY BY:

    Geoffrey Greiveldinger ..... 223

DISCUSSION ..... 224

*Friday, April 19: Morning*

**Legal Aspects of Economic Liberalization in the Americas**

MODERATOR: Albelardo L. Valdez ..... 231

REMARKS BY:

    Ewell E. Murphy, Jr. .... 233

    Joshua B. Bolten ..... 237

    Carlos Muggenburg ..... 240

    Gonzalo Biggs ..... 244

DISCUSSION ..... 247

**Foreign Governments in United States Courts**

MODERATOR: Joseph W. Dellapenna ..... 251

REMARKS BY:

    Edwin S. Kneedler ..... 253

*The Relationship between the FSIA's Commercial-Activities Exception and the Due-Process Clause.* Carlos M. Vázquez ..... 257

*Diplomatic Immunity: Recent Developments in Law and Practice.*

    David A. Jones, Jr. .... 261

REMARKS BY:

    Jonathan T. Fried ..... 267

DISCUSSION ..... 270

**Structuring a New Security Regime in Europe**

**MODERATOR:** Philip Bobbitt ..... 277

**REMARKS BY:**

Jane Stromseth ..... 280

John Evans ..... 286

David J. Scheffer ..... 288

Torsten E. Stein ..... 296

**DISCUSSION** ..... 300

**Constitutional Developments in Southern Africa**

**MODERATOR:** Millard Arnold ..... 303

**REMARKS BY:**

Lynn Berat ..... 305

Millard Arnold ..... 308

Sipho Mahamba ..... 311

**DISCUSSION** ..... 315

**Constitutional Changes in Eastern Europe and Foreign Affairs Powers**

**MODERATOR:** Lloyd N. Cutler ..... 319

**REMARKS BY:**

Eric Stein ..... 320

Herman Schwartz ..... 323

Patricia Wald ..... 326

**DISCUSSION** ..... 330

**Resolving Conflicting Human Rights Standards in International Law**

**MODERATOR:** Hillary Charlesworth ..... 336

**REMARKS BY:**

Anne Bayefsky ..... 337

Helena M. Cook ..... 341

Donna J. Sullivan ..... 344

Christine M. Chinkin ..... 349

**COMMENTARY BY:**

Tom Farer ..... 353

**DISCUSSION** ..... 355

**Roundtable on Pending International Legal Issues Before the Executive Branch**

**MODERATOR:** Roberts B. Owen ..... 359

**REMARKS BY:**

Alan Kreczko ..... 359

John McGinnis ..... 361

John H. McNeil ..... 363

Russell Munk ..... 364

Harold S. Burman ..... 367

**DISCUSSION** ..... 369

*Friday, April 19: Afternoon*

**Joint Luncheon with the Section of International Law and Practice of the American Bar Association**

**ADDRESS BY:** Edwin D. Williamson ..... 377

**Extraterritorial Application of Criminal Law**

MODERATOR: André M. Surena ..... 383  
 REMARKS BY:  
     Christopher L. Blakesley ..... 386  
     Andreas F. Lowenfeld ..... 388  
     Lisa Cacheris ..... 392  
     Serge April ..... 393  
 DISCUSSION ..... 397

**New Developments in International Environmental Law**

MODERATOR: Edith Brown Weiss ..... 401  
 REMARKS BY:  
     Richard Stewart ..... 402  
 DISCUSSION ..... 406  
 REMARKS BY:  
     Shinya Murase ..... 409  
     Daniel Bodansky ..... 413  
     Michael J. Glennon ..... 417  
 COMMENTARY BY:  
     Catherine Tinker ..... 421  
     Alexandre Kiss ..... 423  
 DISCUSSION ..... 425

**Compliance and Enforcement in the United Nations System**

MODERATOR: Oscar Schachter ..... 428  
 REMARKS BY:  
     Carl-August Fleischhauer ..... 429  
     Frederic L. Kirgis, Jr. .... 434  
     Mary Ellen O'Connell ..... 439  
 DISCUSSION ..... 443

*Friday, April 19: Evening*

**Annual Dinner**

ADDRESS BY: Charles William Maynes ..... 449

*Saturday, April 20: Morning*

**The Future of the Antarctic Regime: New Directions**

MODERATOR: Howard Taubenfeld ..... 461  
 REMARKS BY:  
     Raul E. Vinuesa ..... 461  
     Christopher C. Joyner ..... 464  
     William M. Bush ..... 470  
*Antarctica: Some Ethical and Legal Questions.* Sudhir K. Chopra ..... 475  
 DISCUSSION ..... 478

**Executive Branch Implementation of Arms Control Treaties**

MODERATOR: Sean D. Murphy ..... 483  
 REMARKS BY:  
     David Abramowitz ..... 484  
     David A. Koplow ..... 489



Thomas Graham, Jr. ....	496
James P. Rubin ....	500
DISCUSSION ....	504
<b>Trade and Investment in the Pacific Rim</b>	
MODERATOR: Richard L. Thurston ....	507
REMARKS BY:	
Jia Zhao ....	510
OBSERVATIONS BY:	
Steven Guisinger ....	514
REMARKS BY:	
Ted L. McDorman ....	517
DISCUSSION ....	520
<b>Roundtable on Prospects for Publishing in International Law</b>	
MODERATOR: Marilou M. Righini ....	522
REMARKS BY:	
Alan D. Stephens ....	522
Richard C. Rowson ....	525
Graham Marshall ....	527
Richard R. Heuser ....	529
Edward Gordon ....	531
Terri Southwick ....	534
DISCUSSION ....	536
<b>Rights of Self-Determination of Peoples in Established States: Southern Africa and the Middle East</b>	
MODERATOR: Henry J. Richardson III ....	541
REMARKS BY:	
Goler T. Butcher ....	542
Gay McDougall ....	545
John Quigley ....	548
COMMENTARY BY:	
Jordan J. Paust ....	551
DISCUSSION ....	554
<b>The Year of International Law in Review</b>	
MODERATOR: Richard B. Bilder ....	562
REMARKS BY:	
Leslie C. Green ....	563
Christopher L. Blakesley ....	565
Thomas A. Buergenthal ....	568
Joan E. Donoghue ....	571
David J. Bederman ....	574
DISCUSSION ....	578
<b>1991 Philip C. Jessup International Law Moot Court Competition</b> .....	581
<b>Appendices</b>	
Business Meeting ....	583
Eulogies ....	583
Report of the Executive Director ....	585
Election of Officers and Executive Council ....	597
Announcement of Awards ....	597

Elections to the Board of Editors of the AJIL .....	597
Elections to the Advisory Committee of ILM .....	598
Officers and Committees of The American Society of International Law .....	599
<i>American Journal of International Law</i> : Board of Editors .....	600
<i>International Legal Materials</i> .....	602
Board of Review and Development .....	603
Report of the Committee on Publications of the State Department and the United Nations .....	605
Benefactors .....	613
Constitution of The American Society of International Law .....	617
Act of Incorporation .....	617
Constitution .....	621
Regulations .....	625
Patronage, Gifts and Bequests .....	637
<b>Index</b> .....	638