tions, through which most conflicts and disputes are indeed solved. This happens mostly at a stage preceding the establishment of a panel and possibly also while the proceeding is pending, not as a rule after it has been concluded.

After the conclusion of the proceeding, the recommendations or rulings of the WTO Dispute Settlement Body must be promptly complied with under Article 21 of the Dispute Settlement Understanding. Mutually acceptable compensation is mentioned in Article 22 as a *temporary* measure pending implementation.

The prompt compliance by the United States with the first decision of the Appellate Body in the *Gasoline* case hopefully points to a high level of respect by member governments toward the new dispute-settlement mechanism of the WTO.

GIORGIO SACERDOTI*

TO THE CO-EDITORS IN CHIEF:

In her Editorial Comment on WTO dispute settlement in the July issue (90 AJIL 416 (1996)), Mrs. Judith H. Bello clearly implies that, by entering into treaty commitments or otherwise assuming obligations under international law, a state *abandons* its sovereignty.[1] I believe that this way of thinking is mistaken and may lead to unfortunate results.

It is mistaken since, as was observed by the Permanent Court of International Justice in its 1923 Judgment in the *Wimbledon* case and confirmed in subsequent decisions, one should not see in "the conclusion of any Treaty by which a State undertakes to perform or refrain from performing a particular act an *abandonment* of its sovereignty" (emphasis added). The correct position, according to the Court, is quite the opposite: "the right of entering into international engagements is an *attribute* of State sovereignty" (emphasis added).[2]

The reason why the view to which I take exception may lead to unfortunate results is not far to seek: since treaty and other international undertakings are most useful means of international cooperation, that view provides valuable ammunition to right-wing extremists who oppose such cooperation and for whom the concept of sovereignty remains a handy instrument for promoting the jingoism that generates this opposition.

Finally, it seems to me that Mrs. Bello did not need to endorse that view in order to make the arguments she advances. Her analysis could well have been not in terms of *abandonment* of sovereignty but of *avoidance* of binding international commitments, a perfectly neutral and unobjectionable concept.

ROBERTO LAVALLE†

TO THE CO-EDITORS IN CHIEF:

The Note by Messrs. Robert Kushen and Kenneth J. Harris on surrender of fugitives to the ad hoc international criminal Tribunals (90 AJIL 510 (1996)) raises at least two serious points of contention. The first involves a "rule of non-inquiry" (*id.* at 514, 517–18) concerning foreseeable procedural deficiencies or persecution in fora of requesting states. The second involves a supposed inability of the United States to prosecute war crimes of foreign and/or civilian perpetrators (*id.* at 515 & n.18).

According to the authors, common Articles 1, paragraphs 2 of the executive Agreements with the ad hoc Tribunals, which attempt to preclude "additional conditions or

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[1] See, in particular, the last two sentences of the penultimate paragraph on page 417 and the first and last sentences of the penultimate paragraph on page 418.

[2] S.S. Wimbledon (Merits), 1923 PCIJ (ser. A) No. 1, at 25 (Aug. 17). *See also* Exchange of Greek and Turkish Populations, 1925 PCIJ (ser. B) No. 10, at 21 (Advisory Opinion of Feb. 21); Jurisdiction of the European Commission of the Danube between Galatz and Braila, 1927 PCIJ (ser. B) No. 14, at 36 (Advisory Opinion of Dec. 8).

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