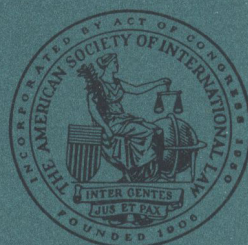


*American  
Journal of  
International  
Law*

*January 1990  
Vol. 84 No. 1*



*Published by*

*American Society of International Law*

## PATRONS OF THE SOCIETY

ARTHUR H. DEAN (deceased)	SEYMOUR J. RUBIN
HERMAN PHLEGER (deceased)	JOHN LAWRENCE HARGROVE
GENEVIEVE E. TILLAR (deceased)	FRANK A. BAUMAN
W. ROBERT MORGAN	RICHARD W. EDWARDS, JR.
BRUNSON MACCHESNEY (deceased)	HUSSAM ALMESHAL
ALONA E. EVANS (deceased)	MRS. RICHARD BAXTER
JOHN N. HAZARD	ENRIQUE P. SYQUIA
JOHN R. STEVENSON	RITA E. HAUSER
ARTHUR R. ALBRECHT	HOWARD M. HOLTZMANN
ALWYN V. FREEMAN (deceased)	ARTHUR W. ROVINE
EDWARD DUMBAULD	OSCAR SCHACHTER
KEITH HIGHET	BASIL S. YANAKAKIS
STEPHEN M. SCHWEBEL	GERALD AKSEN
WILLIAM D. ROGERS	

### *In Memoriam*

DR. JAMES BROWN SCOTT	ARTHUR K. KUHN
HENRY C. MORRIS	ALEXANDER FREEMAN
STANLEY P. SMITH	

## PATRONAGE, GIFTS AND BEQUESTS

Upon donation to the Society of \$5,000 or more by gift or bequest, any member of the Society or individual eligible for membership may be elected a Patron of the Society. Upon donation of at least \$5,000 in the name of a deceased person, such person may be elected a Patron posthumously.

Gifts and bequests may be made in the name of the American Society of International Law, Washington, D.C. Such contributions are deductible from federal returns for income, estate and gift tax purposes. The Society is incorporated by Act of Congress approved September 20, 1950 (64 Stat. 869).

## MANLEY O. HUDSON MEDAL

The American Society of International Law bestows from time to time without regard to nationality a gold medal to commemorate the life work of Manley O. Hudson. Such awards are made for preeminent scholarship and achievement in international law and in the promotion of the establishment and maintenance of international relations on the basis of law and justice. Medals have been awarded to Manley O. Hudson (1956), Lord McNair (1959), Philip C. Jessup (1964), Charles De Visscher (1966), Paul Guggenheim (1970), Myres S. McDougal (1976), Eduardo Jiménez de Aréchaga (1978), Richard Reeve Baxter (1981), Oscar Schachter (1981), Hardy Cross Dillard (1982), Suzanne Bastid (1984), Marjorie M. Whiteman (1985) and Leo Gross (1986).

The AMERICAN JOURNAL OF INTERNATIONAL LAW (ISSN 0002-9300) is published quarterly, in January, April, July and October, and is supplied to all members of the American Society of International Law. Annual subscription rate to nonmembers is \$75.00, plus \$5.00 postage outside U.S.A. Available back numbers of AJIL will be supplied at \$25.00 each.

EDITORIAL OFFICE:  
NEW YORK UNIVERSITY SCHOOL OF LAW  
40 WASHINGTON SQUARE SOUTH  
NEW YORK, N.Y. 10012

BUSINESS OFFICE:  
2223 MASSACHUSETTS AVENUE, N.W.  
WASHINGTON, D.C. 20008-2864

Second-class postage paid at Washington, D.C. and at additional mailing office. POSTMASTER: If undeliverable, send notice on Form 3579 to the American Journal of International Law, 2223 Massachusetts Ave., N.W., Washington, D.C. 20008-2864.

Copyright © 1990 by The American Society of International Law  
Printed by Lancaster Press, Lancaster, Pa. 17603

# AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 84

January 1990

NO. 1

## CONTENTS

	PAGE
<b>Has International Law Failed the Elephant?</b>	<i>Michael J. Glennon</i> 1
<b>Prolonged Military Occupation: The Israeli-Occupied Territories Since 1967</b>	<i>Adam Roberts</i> 44
<b>The Nature of the Iran–United States Claims Tribunal and the Evolving Structure of International Dispute Resolution</b>	<i>David D. Caron</i> 104
<b>The Canada-France Maritime Boundary Case: Drawing a Line around St. Pierre and Miquelon</b>	<i>Ted L. McDorman</i> 157
<hr/>	
<b>Agora: What Obligation Does Our Generation Owe to the Next? An Approach to Global Environmental Responsibility</b>	
Do We Owe a Duty to Future Generations to Preserve the Global Environment?	<i>Anthony D'Amato</i> 190
Our Rights and Obligations to Future Generations for the Environment	<i>Edith Brown Weiss</i> 198
Our Responsibility to Future Generations	<i>Lothar Gündling</i> 207
<hr/>	
<b>Editorial Comments</b>	
Enhancing the Effectiveness of the Prohibition of Discrimination against Women	<i>Theodor Meron</i> 213
Admission of "Palestine" as a Member of a Specialized Agency and Withholding the Payment of Assessments in Response	<i>Frederic L. Kirgis, Jr.</i> 218
<hr/>	
<b>Correspondence</b>	
From Judge Manfred Lachs, Ambassador Octavio Errázuriz, Professor Frederic L. Kirgis, Jr., and Howard N. Meyer	231
<hr/>	
<b>Contemporary Practice of the United States Relating to International Law</b>	<i>Marian Nash Leich</i> 237
<b>International Decisions</b>	<i>Peter D. Trooboff</i> 249
<hr/>	
<b>Current Developments</b>	
Wilsonianism Redux: Inadvertent Publication of Secret Protocol, Hungarian–East German Agreement on Visa Requirements	<i>T. M. F.</i> 281
The Council for Mutual Economic Assistance and the European Community	<i>Kazimierz Grzybowski</i> 284
<hr/>	
<b>Book Reviews and Notes</b>	<i>Edited by Detlev Vagts</i>
Damrosch, Lori Fisler (ed.). <i>The International Court of Justice at a Crossroads</i> (Rudolf Bernhardt)	293

Horn, Frank. <i>Reservations and Interpretative Declarations to Multilateral Treaties</i> (John King Gamble, Jr.)	297
Bailey, Sydney D. <i>The Procedure of the UN Security Council</i> (2d ed.) (Frederic L. Kirgis, Jr.)	300
<i>Soviet Year-Book of International Law, 1987</i> (John N. Hazard)	303
Dinstein, Yoram. <i>War, Aggression and Self-Defence</i> (John H. McNeill)	305
<i>Le Procès de Nuremberg: Conséquences et actualisation</i> (Benjamin B. Ferencz)	308
Alston, P., and K. Tomaševski (eds.). <i>The Right to Food</i> (Penelope B. Rundle)	309
Tomaševski, Katarina (ed.). <i>The Right to Food: Guide Through Applicable International Law</i> (Penelope B. Rundle)	309
Halberstam, Malvina, and Elizabeth F. Defeis. <i>Women's Legal Rights: International Covenantants an Alternative to ERA?</i> (Rita E. Hauser)	313
Martin, David A. (ed.). <i>The New Asylum Seekers: Refugee Law in the 1980s. The Ninth Sokol Colloquium on International Law</i> (Peter H. Schuck)	314
Bojarc, Jury R. <i>Voprosy grazhdanstva v mezhdunarodnom prave</i> (Paul Weis)	318
Weil, Prosper. <i>Perspectives du droit de la délimitation maritime</i> (Natalino Ronzitti)	321
Leanza, Umberto, and Luigi Sico. <i>Mediterranean Continental Shelf: Delimitations and Regimes. International and National Legal Sources</i> (R. R. Churchill)	326
Pak, Chi Young. <i>The Korean Straits</i> (Luke T. Lee)	328
Kiss, Alexandre. <i>Droit international de l'environnement</i> (Edith Brown Weiss)	330
Makarczyk, Jerzy. <i>Principles of a New International Economic Order: A Study of International Law in the Making</i> (Nicholas R. Doman)	331
<i>Trade Policies for a Better Future: The 'Leutwiler Report', the GATT and the Uruguay Round</i> (Peter D. Ehrenhaft)	334
Petersmann, Ernst-Ulrich, and Meinhard Hilf (eds.). <i>The New GATT Round of Multilateral Trade Negotiations: Legal and Economic Problems</i> (Daniel K. Tarullo)	338
Rodman, Kenneth A. <i>Sanctity Versus Sovereignty: The United States and the Nationalization of Natural Resource Investments</i> (Rudolf Dolzer)	342
<i>Legal Guide on Drawing Up International Contracts for the Construction of Industrial Works</i> (Matthew S. Perlman)	345
Santos Belandro, Rubén B. <i>Arbitraje Comercial Internacional: Tendencias y Perspectivas</i> (Horacio A. Grigera Naón)	347
Slomanson, William R. <i>International Business Bibliography</i> (C. Anthony Valladolid)	349
Lillich, Richard B. <i>The Valuation of Nationalized Property in International Law. Volume IV</i> (Henry T. C. Hu)	350
<b>Briefer Notices:</b> Oda, 352; Malintoppi, 353.	
<b>Collected Essays:</b> <i>Le droit international à l'heure de sa codification, études en l'honneur de Roberto Ago</i> , Volumes I-IV, 353.	
<b>Books Received</b>	356
<b>International Legal Materials.</b> Contents, Vol. XXVIII, No. 5 (September 1989) and No. 6 (November 1989)	360

## BOARD OF EDITORS

*Editor in Chief*

THOMAS M. FRANCK

New York University School of Law

- |   |   |
|---|---|
| GEORGE H. ALDRICH<br>The Hague, Netherlands                                   | FREDERIC L. KIRGIS, JR.<br>Washington and Lee University<br>School of Law |
| RICHARD B. BILDER<br>University of Wisconsin Law School                       | CYNTHIA C. LICHTENSTEIN<br>Boston College Law School                      |
| JONATHAN I. CHARNEY<br>Vanderbilt University School of Law                    | RICHARD B. LILLICH<br>University of Virginia Law School                   |
| ANTHONY D'AMATO<br>Northwestern University<br>School of Law                   | ANDREAS F. LOWENFELD<br>New York University School of Law                 |
| RICHARD A. FALK<br>Princeton University                                       | THEODOR MERON<br>New York University School of Law                        |
| TOM J. FARER<br>University of New Mexico<br>School of Law                     | BERNARD H. OXMAN<br>University of Miami School of Law                     |
| MICHAEL J. GLENNON<br>University of California, Davis<br>School of Law        | W. MICHAEL REISMAN<br>Yale Law School                                     |
| EDWARD GORDON<br>Albany Law School,<br>Union University                       | WILLIAM D. ROGERS<br>Washington, D.C.                                     |
| KEITH HIGHET<br>The Fletcher School of Law and<br>Diplomacy, Tufts University | PETER D. TROBOFF<br>Washington, D.C.                                      |
| JOHN H. JACKSON<br>University of Michigan Law School                          | DETLEV F. VAGTS<br>Harvard Law School                                     |
| HAROLD K. JACOBSON<br>University of Michigan                                  | EDITH BROWN WEISS<br>Georgetown University Law Center                     |
|   | BURNS H. WESTON<br>University of Iowa<br>College of Law                   |

JOHN LAWRENCE HARGROVE, *Ex Officio*  
Washington, D.C.

### *Honorary Editors*

- |  |   |
|--|---|
| HERBERT W. BRIGGS (1900–1990)<br>Cornell University                        | COVEY T. OLIVER<br>University of Pennsylvania Law<br>School                 |
| LEO GROSS<br>The Fletcher School of Law and<br>Diplomacy, Tufts University | STEFAN A. RIESENFELD<br>University of California, Berkeley<br>School of Law |
| JOHN N. HAZARD<br>Columbia University School of Law                        | SEYMOUR J. RUBIN<br>Washington College of Law,<br>American University       |
| LOUIS HENKIN<br>Columbia University School of Law                          | OSCAR SCHACHTER<br>Columbia University School of Law                        |
| MONROE LEIGH<br>Washington, D.C.   | LOUIS B. SOHN<br>University of Georgia Law School                           |
| OLIVER J. LISSITZYN<br>Columbia University School of Law                   | ERIC STEIN<br>University of Michigan Law School                             |
| MYRES S. MCDUGAL<br>Yale Law School  | RICHARD YOUNG<br>Van Hornesville, N.Y.                                      |

### *Associate Editor*

ANNA ASCHER

### *Editorial Assistant*

VIRGINIA CORNETT

*Assistant Editor Emerita*

ELEANOR H. FINCH

## The American Journal of International Law

The views expressed in the articles, editorial comments, book reviews and notes, and other contributions which appear in AJIL are those of the individual authors and are not to be taken as representing the views of the Board of Editors or the American Society of International Law.

Manuscripts in triplicate may be sent to the Editor in Chief of AJIL, Professor Thomas M. Franck, New York University School of Law, 40 Washington Square South, New York, N.Y. 10012. All footnotes should be typed double space at the end of the manuscript. Please do not make multiple submissions to other journals. Persons making submissions are invited to indicate whether their manuscript is available on an IBM-PC diskette. AJIL uses WordPerfect 4.2. Subscriptions, orders for back numbers, correspondence with reference to AJIL and books for review should be sent to the AMERICAN JOURNAL OF INTERNATIONAL LAW (ISSN 0002-9300), 2223 Massachusetts Avenue, N.W., Washington, D.C. 20008-2864.

Authorization to photocopy items for internal or personal use, or the internal or personal use of specific clients, is granted by the American Society of International Law for users registered with the Copyright Clearance Center (CCC) Transactional Reporting Service, provided that the base fee of \$5.00 per copy, plus 25¢ per page is paid directly to CCC, 27 Congress St., Salem, MA 01970. For those organizations that have been granted a photocopy license by CCC, a separate system of payment has been arranged. The fee code for users of the Transactional Reporting Service is: 0002-9300/90 \$5.00 + .25.

## The American Society of International Law

The American Society of International Law was organized in 1906 "to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice."

Society membership is open to all persons of whatever nationality and profession who are interested in its objectives. Dues are: regular, \$80; special category, \$40 for persons *not* resident in a member country of the Organisation for Economic Co-operation and Development; intermediate, \$35; student, \$20. Membership application form is printed at the back of each issue of AJIL.

### OFFICERS OF THE SOCIETY, 1989-1990

<i>Honorary President</i> .....	EDWARD DUMBAULD
<i>President</i> .....	LOUIS B. SOHN
<i>Vice-Presidents</i> .....	GOLER BUTCHER, LOUIS HENKIN, PETER D. TROBOFF
<i>Executive Vice-President and Executive Director</i> .....	JOHN LAWRENCE HARGROVE
<i>Honorary Vice-Presidents:</i> HERBERT W. BRIGGS,* MAXWELL COHEN, DAVID G. GILL, LEO GROSS, RITA HAUSER, JOHN N. HAZARD, KEITH HIGHT, MONROE LEIGH, CYNTHIA LICHTENSTEIN, MYRES S. McDUGAL, LEONARD MEEKER, COVEY T. OLIVER, FRANZ M. OPPENHEIMER, ELLIOT L. RICHARDSON, STEFAN A. RIESENFELD, WILLIAM D. ROGERS, SEYMOUR J. RUBIN, DEAN RUSK, OSCAR SCHACHTER, STEPHEN M. SCHWEBEL, ERIC STEIN, JOHN R. STEVENSON	
<i>Secretary</i> .....	MICHAEL H. CARDOZO
<i>Treasurer</i> .....	JAMES C. CONNER
<i>Assistant Treasurer</i> .....	JOSEPH GUTTENTAG

\* (1900-1990).