

# AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 79

April 1985

NO. 2

## CONTENTS

	PAGE
<b>The Meaning and Reach of the International Convention on the Elimination of All Forms of Racial Discrimination</b> <i>Theodor Meron</i>	283
<b>Economic Development and Sovereign Immunity</b> <i>Georges R. Delaume</i>	319
<b>Marine Pollution under the Law of the Sea Convention</b> <i>Alan E. Boyle</i>	347
<b>Editorial Comments</b>	
<i>Nicaragua v. United States: Jurisdiction and Admissibility</i>	
<i>Herbert W. Briggs</i>	373
Icy Day at the ICJ	
<i>Thomas M. Franck</i>	379
Modifying U.S. Acceptance of the Compulsory Jurisdiction of the World Court	
<i>Anthony D'Amato</i>	385
Political and Economic Coercion in Contemporary International Law	
<i>Tom J. Farer</i>	405
<b>Agora: What Price Expropriation?</b>	
Compensation for Expropriation: The Case Law	
<i>M. H. Mendelson</i>	414
Compensation Cases—Leading and Misleading	
<i>Oscar Schachter</i>	420
<b>Correspondence</b>	
Observations by the U.S. Department of State on the ICJ's November 26, 1984 Judgment	423
<b>Contemporary Practice of the United States Relating to International Law</b>	
<i>Marian Nash Leich</i>	431
<b>Judicial Decisions</b>	
<i>Monroe Leigh</i>	442
<b>Book Reviews and Notes</b>	
<i>Edited by Leo Gross</i>	
Onuf, Nicholas Greenwood (ed.). <i>Law-Making in the Global Community</i> (Gaetano Arangio-Ruiz)	463
Liu Fengming. <i>Xiandai guoji fa gangyao</i> (Hungdah Chiu)	466
<i>Essays on International &amp; Comparative Law: In Honour of Judge Erades</i> (John N. Hazard)	468
Remiro Brotons, Antonio. <i>Derecho Internacional Público. I. Principios fundamentales</i> (José Pérez Montero)	470
Brownlie, Ian. <i>System of the Law of Nations: State Responsibility. Part I</i> (Guy S. Goodwin-Gill)	471
Gong, Gerrit W. <i>The Standard of 'Civilization' in International Society</i> (Peter J. Fliess)	474
Ruddy, Frank S. (ed.). <i>American International Law Cases, 1969–1978. Vols. 21–28</i> (Leo H. Phillips, Jr.)	475
Maris, Gary L. <i>International Law: An Introduction</i> (Richard W. Nelson)	475
Bernhardt, Rudolf (ed.). <i>Encyclopedia of Public International Law. Instalments 3, 4 and 5</i> (Alberto R. Coll)	476
Stohl, Michael, and George A. Lopez (eds.). <i>The State as Terrorist: The Dynamics of Governmental Violence and Repression</i> (Robert A. Friedlander)	479
Stern, Herbert J. <i>Judgment in Berlin</i> (Vaughan Black)	480

Jacobson, Harold K. <i>Networks of Interdependence: International Organizations and the Global Political System</i> (2d ed.) (Richard W. Nelson)	482
Farley, Lawrence T. <i>Change Processes in International Organizations</i> (Margaret Padelford Karns)	483
<i>Legal issues of European integration, 1983/1</i> (John M. Metzger)	484
Sohn, Louis B., and Kristen Gustafson. <i>The Law of the Sea in a Nutshell</i> (Carey N. Gordon)	485
Miles, Edward, Stephen Gibbs, David Fluharty, Christine Dawson and David Teeter. <i>The Management of Marine Regions: The North Pacific</i> (David A. Simmons)	486
—, John Sherman, David Fluharty, Stephen Gibbs, Shoichi Tanaka and Masao Oda. <i>Atlas of Marine Use in the North Pacific Region</i> (David A. Simmons)	486
Churchill, R. R., and A. V. Lowe. <i>The Law of the Sea</i> (G. Plant)	488
Gündling, Lothar. <i>Die 200 Seemeilen-Wirtschaftszone: Entstehung eines neuen Regimes des Meeresvölkerrechts</i> (Uwe Jenisch)	490
Brooks, Douglas L. <i>America Looks to the Sea: Ocean Use and the National Interest</i> (Lewis M. Alexander)	491
Uribe Vargas, Diego. <i>La tercera generación de Derechos Humanos y la Paz</i> (José Pérez Montero)	493
Martin, J. Paul (ed.). <i>Human Rights: A Topical Bibliography</i> (Malvina Halberstam)	495
Kloepfer, Michael, and Christian Kohler. <i>Kernkraftwerk und Staatsgrenze</i> (Jay G. Polach)	496
Yoffie, David B. <i>Power and Protectionism: Strategies of the Newly Industrializing Countries</i> (James C. Conner)	498
Canto, Gilberto de Ulhôa, Ives Gandra da Silva Martins and J. van Hoorn, Jr. (eds.). <i>Monetary Indexation in Brazil</i> (Tullio Treves)	499
Ziegel, Jacob S., and William C. Graham (eds.). <i>New Dimensions in International Trade Law: A Canadian Perspective</i> (Charles A. Marvin)	500
Thesaurus Acroasium, Vol. XII. <i>North-South Dialogue: A New International Economic Order</i> (Giorgio Sacerdoti)	501
Marke, Julius J., and Najeeb Samie (comps./eds.). <i>Anti-Trust and Restrictive Business Practices: International, Regional &amp; National Regulation</i> (Diane Wood Hutchinson)	503
Yung, Agnes (comp./ed.). <i>Commercial, Business and Trade Laws: Hong Kong</i> (Frankie Leung)	504
Nee, Owen D., Jr., Franklin D. Chu and Michael J. Moser (eds.). <i>Commercial, Business and Trade Laws: The People's Republic of China</i> . 2 binders (David W. Leebron and Marsha A. Cohan)	505
Jackson, John H., Jean-Victor Louis and Mitsuo Matsushita. <i>Implementing the Tokyo Round: National Constitutions and International Economic Rules</i> (Seymour J. Rubin)	509
Goldman, Berthold, and Antoine Lyon-Caen. <i>Droit commercial européen</i> (4th ed.) (Siegfried Garbuny)	510
Voskuil, C. C. A., and J. A. Wade (eds.). <i>Hague-Zagreb Essays 4: On the Law of International Trade</i> (Vaughan Black)	511
Stemberg, Harald. <i>Die Charta der wirtschaftlichen Rechte und Pflichten der Staaten</i> (Giorgio Sacerdoti)	513
Tezcan, Durmuş. <i>Territorialité et conflits de juridictions en droit pénal international</i> (Joseph P. Murphy)	514
Hacker, Jens. <i>Der Ostblock: Entstehung, Entwicklung und Struktur, 1939–1980</i> (Kazimierz Grzybowski)	516
Lawrence, Robert C., III. <i>International Tax and Estate Planning</i> (Bruce Zagaris)	518
Kapteyn, P. J. G., P. H. Kooijmans, R. H. Lauwaars, H. G. Schermers and M. van Leeuwen Boomkamp (eds.). <i>International Organization and Integration</i> . Vol. II.B–II.J (2d rev. ed.) (M. H. Mendelson)	520
Butler, W. E. (comp./ed./trans.). <i>Basic Documents on the Soviet Legal System</i> (Peter B. Maggs)	521
Bourne, C. B. (ed.). <i>The Canadian Yearbook of International Law. Volume XXI, 1983</i> (Forest L. Griesves)	523
Wagner, Wolfgang, Marion Gräfin Dönhoff, Gerhard Fels, Karl Kaiser and Paul Noack (eds.). <i>Die Internationale Politik 1979–1980</i> (Damir Nagler)	524
<i>Netherlands Yearbook of International Law. Vol. XIV, 1983</i> (Edward Dumbauld)	526
<i>American Foreign Policy: Basic Documents, 1977–1980</i> (Elmer Plischke)	527
<b>Briefer Notices:</b> O'Connell (Shearer ed.), 529; Butler, 530; Campbell (ed.), 530.	
<b>Books Received</b>	531
<b>International Legal Materials. Contents, Vol. XXIV, No. 1 (January 1985)</b>	536

## BOARD OF EDITORS

### *Editor in Chief*

THOMAS M. FRANCK  
New York University School of Law

THOMAS BUERGENTHAL  
Washington College of Law,  
American University  
ANTHONY A. D'AMATO  
Northwestern University School  
of Law  
RICHARD A. FALK  
Princeton University  
TOM J. FARER  
University of  
New Mexico  
ROGER FISHER  
Harvard Law School  
JOHN LAWRENCE HARGROVE  
Washington, D.C.  
LOUIS HENKIN  
Columbia University School of  
Law  
ROSALYN HIGGINS  
University of  
London, LSE  
JOHN H. JACKSON  
University of Michigan Law School  
HAROLD K. JACOBSON  
University of Michigan  
FREDERIC L. KIRGIS, JR.  
Washington and Lee University  
School of Law

MONROE LEIGH  
Washington, D.C.  
CYNTHIA C. LICHTENSTEIN  
Boston College Law School  
RICHARD B. LILlich  
University of Virginia Law School  
ANDREAS F. LOWENFELD  
New York University School of Law  
HAROLD G. MAIER  
Vanderbilt University School of Law  
THEODOR MERON  
New York University School of Law  
JOHN NORTON MOORE  
University of Virginia Law School  
ARTHUR W. ROVINE  
New York, N.Y.  
OSCAR SCHACHTER  
Columbia University School of Law  
PETER D. TROBOFF  
Washington, D.C.  
DETLEV F. VAGTS  
Harvard Law School  
ROBERT VON MEHREN  
New York, N.Y.  
BURNS H. WESTON  
University of Iowa School of Law

### *Honorary Editors*

WILLIAM W. BISHOP, JR.  
University of Michigan Law School  
HERBERT W. BRIGGS  
Cornell University  
LEO GROSS  
Fletcher School of Law and  
Diplomacy, Tufts University  
JOHN N. HAZARD  
Columbia University School of  
Law  
JAMES NEVINS HYDE  
Newtown, Conn.  
PHILIP C. JESSUP  
Norfolk, Conn.  
OLIVER J. LISSITZYN  
Columbia University School of  
Law

MYRES S. MCDUGAL  
Yale Law School  
COVEY T. OLIVER  
University of Pennsylvania Law  
School  
STEFAN A. RIESENFELD  
University of California Law School  
SEYMOUR J. RUBIN  
Washington College of Law,  
American University  
LOUIS B. SOHN  
University of Georgia Law School  
ERIC STEIN  
University of Michigan Law School  
RICHARD YOUNG  
Van Hornesville, N.Y.

### *Assistant Editor*

ANNA ASCHER

### *Editorial Assistant*

ANN W. NENNEMAN

### *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, 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. 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.

AJIL is published in January, April, July, and October and is supplied to all members of the American Society of International Law. The annual subscription to nonmembers of ASIL is \$50.00, plus \$3.20 for all foreign subscriptions. Available back numbers of AJIL will be supplied at \$11.00 each. (\$26 of membership fee is allotted to AJIL subscription.)

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

## **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, \$60; special category, \$30 for persons *not* resident in a member country of the Organisation for Economic Co-operation and Development; intermediate, \$30; student, \$20. Membership application form is printed at the back of each issue of AJIL.

### **OFFICERS OF THE SOCIETY, 1984-1985**

<i>Honorary President</i> .....	JOHN N. HAZARD
<i>President</i> .....	DAVID G. GILL
<i>Vice-Presidents</i> .....	KEITH HIGGET, W. MICHAEL REISMAN, EDITH BROWN WEISS
<i>Executive Vice-President and Executive Director</i> .....	SEYMOUR J. RUBIN
<i>Honorary Vice-Presidents:</i>	RALPH GERHART ALBRECHT, WILLIAM W. BISHOP, JR., HERBERT W. BRIGGS, MAXWELL COHEN, ARTHUR H. DEAN, EDWARD DUMBAULD, LEO GROSS, JAMES N. HYDE, PHILIP C. JESSUP, MONROE LEIGH, CARLYLE MAW, MYRES S. MCDUGAL, COVEY T. OLIVER, FRANZ M. OPPENHEIMER, ELLIOT L. RICHARDSON, STEFAN A. RIESENFELD, WILLIAM D. ROGERS, DEAN RUSK, OSCAR SCHACHTER, STEPHEN M. SCHWEBEL, LOUIS B. SOHN, ERIC STEIN, JOHN R. STEVENSON, WALTER STERLING SURREY, MARJORIE M. WHITEMAN.
<i>Secretary</i> .....	MICHAEL H. CARDOZO
<i>Treasurer</i> .....	JAMES C. CONNER
<i>Assistant Treasurer</i> .....	JOSEPH GUTTENTAG