## AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 103	April 2009	NO. 2
CONTENTS		PAGE
Representation and Powe	er in International Organization: The Operational	
Constitution and Its Ci	ritics Jacob Katz Cogan	209
through the use of form representational princ times moderated region dating this regime, the those who assert that i	, representation in international organizations evolved mal and informal arrangements that reconciled conflicting ciples and interests. This "operational constitution" someonal tensions but most often rewarded power. After elucite author examines contemporary stresses placed on it by it does not reflect current power dynamics and those who and preferences, and considers the operational constitu-	
Notes and Comments		
Consistently Inconsisten	nt: The International Court of Justice and the Former	
Yugoslavia ( <i>Croatia v.</i>		264
Current Developments		
The International Law C	Commission Adopts Draft Articles on Transboundary	
Aquifers	Stephen C. McCaffrey	272
International Decisions	Edited by David J. Bederman	
Application of the Interna	ational Convention on the Elimination of All Forms of	
Racial Discrimination (Georgia v. Russian Federation) (Cindy Galway Buys)		
International Court of of CERD as a basis of	f Justice order on provisional measures and application jurisdiction	
United States—Continue	ed Suspension of Obligation in the EC–Hormones Dispute	
(Sungjoon Cho)		
World Trade Organiza retaliatory trade meast	ation Appellate Body report on the continuation of	
	Al Barakaat International Foundation v. Council &	
Commission (Miša Zgonec-Rožej)		305
European Court of Ju-	stice judgment on the European Community's enforce-	
	Council sanctions regulations  v. Republic of Niger (Jean Allain)	211
	y Court of Justice judgment on protection from slavery	311
R (on the application of B	Bancoult) v. Secretary of State for Foreign and Common-	
wealth Affairs (Peter H	I. Sand)	317
UK House of Lords de persons	ecision on the right of return for internally displaced	

Contemporary Practice of the United States Relating to International Law  Edited by John R. Crook		
President Obama Orders Closure of Guantánamo Detention Facilities; Obstacles Remain	325	
President Issues Executive Order Banning Torture and CIA Prisons		
Department of Justice Releases Superseded Memos on Presidential Authority Regarding	331	
Treaties, Detentions, and Other Matters	334	
D.C. Circuit Finds Political Questions, Dismisses Sudan Pharmaceutical Plant Bombing Suit		
Swiss Bank Settles U.S. Tax Charges, Mounting U.S. Pressure on Swiss Bank Secrecy UN Representative Nominee Describes U.S. Interests and Priorities at United Nations		
Comprehensive New Statement of U.S. Arctic Policy	342	
United States Protests Chinese Interference with U.S. Naval Vessel, Vows Continued	2.60	
Operations	349	
United States Abandons Detention Based on Designation as Enemy Combatant but Maintains	351	
Right to Detain Persons Giving Substantial Support to Terrorism		
Third Circuit Requires Review in Diplomatic Assurances Cases	353	
United States Boycotts Durban Review Conference, Will Seek Election to Human Rights	255	
Council	355 358	
Military Justice Proceedings Involving Offenses Against Iraqi and Afghan Civilians		
Blackwater Guards Indicted for 2007 Baghdad Civilian Killings	360	
ICJ Rejects Mexico's Request to Interpret Avena but Finds United States Violated Provisional	362	
Measures Order		
Brief Notes	364	
Recent Books on International Law Edited by Richard B. Bilder		
Review Essays		
Theorizing International Law: The Move to a Literary Optic	368	
Morgan, Ed. The Aesthetics of International Law (Tom J. Farer)		
Dean's List: Power, Institutions, and Achesonian Diplomacy		
Beisner, Robert L. Dean Acheson: A Life in the Cold War (Jonathan M. Zasloff)	375	
Book Reviews		
Doyle, Michael W. Striking First: Preemption and Prevention in International Conflict		
(Davis R. Robinson)	384	
O'Connell, Mary Ellen. The Power and Purpose of International Law (Beth A.	501	
Simmons)	200	
,	388	
Farrall, Jeremy Matam. United Nations Sanctions and the Rule of Law (Frederic L.		
Kirgis)	393	
Newton, Michael A., and Michael P. Scharf. Enemy of the State: The Trial and		
Execution of Saddam Hussein (Eric J. Pelofsky and Eric H. Blinderman)	396	
Books Received	402	
DOVAN AND AND AND AND AND AND AND AND AND A	104	

408

 $\textbf{International Legal Materials.} \ Contents, Vol.\ XLVIII, No.\ 1$