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CONTENTS

PAGE

## **Detention Operations in Contemporary Conflicts: Four Challenges for the Geneva Conventions and Other Existing Law**

*John B. Bellinger III and Vijay M. Padmanabhan*

201

States engaged in conflicts with nonstate groups confront difficult legal questions relating to detention: (1) who is subject to detention, (2) what process must be provided, (3) when does the right to detain terminate, and (4) what legal obligations exist in connection with repatriation at the end of the conflict? This article demonstrates that the Geneva Conventions and other international and municipal law inadequately answer these questions. It then identifies areas of convergence that may form the basis for future legal development.

## **State Weakness, Irregular Warfare, and the Right to Self-Defense Post-9/11**

*Theresa Reinold*

244

This article explores the challenge for the *jus ad bellum* posed by "irresponsible sovereigns" such as weak states that are either unwilling or unable to control their territory effectively and thus become safe havens for terrorists and other irregular groups. Reviewing state practice post-9/11, the article concludes that the notion that sovereignty implies responsibility for effective territorial control has been used to support a more expansive interpretation of the right to self-defense in response to irregular warfare.

## **In Memoriam**

Louis Henkin (1917–2010)

*Lori Fisler Damrosch*

287

## **International Decisions**

*Edited by David J. Bederman*

### *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo* (Ralph Wilde)

301

International Court of Justice advisory opinion on the consistency of Kosovo's declaration of independence with principles of self-determination and international administration

### *Commission v. Sweden* (Peter Van Elsuwege)

307

European Court of Justice Grand Chamber ruling on EU member states' obligations under such treaty regimes as the Stockholm Convention on Persistent Organic Pollutants

### *Gäffen v. Germany* (Heiko Sauer and Mirja Trilsch)

313

European Court of Human Rights Grand Chamber judgment on prohibiting torture in situations where other lives may be at stake, and the admissibility of evidence secured under threat of torture

### *Samantar v. Yousuf* (Ernesto J. Sanchez)

319

U.S. Supreme Court opinion on the application of the Foreign Sovereign Immunities Act to claims against individual foreign government officials

<i>Safety National Casualty Corp. v. Certain Underwriters at Lloyd's, London</i> (Joshua J. Newcomer)	326
U.S. Court of Appeals for the Fifth Circuit opinion on McCarran-Ferguson Act's reverse-preemption of the New York Convention and Federal Arbitration Act	

## Contemporary Practice of the United States Relating to International Law

	<i>Edited by John R. Crook</i>	333
Ninth Circuit Changes Its Mind, Upholds Extended Statute of Limitations for Armenian Genocide Insurance Claims		334
Controversy Regarding Status of U.S. Official Involved in Shootings in Lahore		336
Second Circuit Upholds State Department Action Barring New York City from Taxing Foreign-Government-Owned Apartments Housing Mission Staff		339
U.S. Officials Seek to Facilitate Foreign Missions' Access to Banking Services		342
United States Protests Attack on U.S. Diplomat in Vietnam; Vietnamese Accuse Diplomat of "Causing Trouble"		344
United States Vetoes Security Council Resolution Declaring Israeli Settlements Illegal		345
Department of State Official Defends U.S. Participation in UN Human Rights Council		347
U.S. Views on Prosecuting and Incarcerating Somali Pirate; Pirate Sentenced in U.S. Court; Pirates Kill Four U.S. Citizens		348
United States Joins in Affirming Opposition to Southern Ocean Whaling, Calling for Restraint by Whalers and Their Opponents		349
U.S. Legislation Bars Funding to Transfer Guantánamo Bay Detainees to United States for Trial		351
United States Endorses UN Indigenous Declaration		354
United States Supports New Mechanism to Conclude Work of UN Criminal Tribunals for Rwanda and the Former Yugoslavia		356
Senate Gives Advice and Consent to START Treaty; Resolution of Advice and Consent Sets Numerous Requirements and Conditions		358
U.S.-Russian Agreement of Civil Nuclear Cooperation Enters into Force		367
United States Bemoans Slow Pace of UN Conference on Disarmament, Supports Nuclear Weapons-Free Zones, Confidence Building Measures in Space, and Senate Approval of CTBT		368
NAFTA Tribunal Dismisses Grand River Claim Against United States		371
Brief Notes		372

## Recent Books on International Law

*Edited by Richard B. Bilder*

### Book Reviews

Schill, Stephen W. <i>The Multilateralization of International Investment Law</i> (José E. Alvarez)	377
Janis, Mark Weston. <i>America and the Law of Nations 1776-1939</i> (John F. Murphy)	384
Sofaer, Abraham D. <i>The Best Defense?: Legitimacy &amp; Preventive Force</i> (Elizabeth Wilmshurst)	390
Charlesworth, Hilary, and Jean-Marc Coicaud (eds.). <i>Fault Lines of International Legitimacy</i> (Jan Klabbers)	394
Sloss, David (ed.). <i>The Role of Domestic Courts in Treaty Enforcement: A Comparative Study</i> (Ronald J. Bettauer)	397
Peterson, M. J. <i>International Regimes for the Final Frontier</i> (Maureen Williams)	403
Quigley, John. <i>The Statehood of Palestine: International Law in the Middle East Conflict</i> (Victor Kattan)	407

### Books Received

<b>International Legal Materials. Contents, Vol. L, Nos. 1, 2</b>	415
	421