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FROM THE REVIEWS

This selected bibliography of writings on international law is intended to give the reader a look at some of the more important articles found in recent legal periodicals. A brief synopsis has been presented for each article felt by the editors to have particular interest.

World Military Confrontations / Law, Policy and War / Law and the Maintenance of Peace

"The Need of a Functional Substitute for War"

by Gene Sharp, 3 Int'l. Rel. J. of the David Davies Inst. of Int'l. Studies (1967), contains a study of the problem of war and related violence which suggests the solution may lie in finding an effective alternative technique of struggle not containing the disadvantages of violence.

"Nuclear Proliferation and Rules of Retaliation"

by Herman Kahn, 76 Yale L. J. 77 (1967), responds to the concept of "spasm" nuclear attacks and setting forth a new criteria for an international "anti-nuclear" policy. The author advocates a "no-first-use" policy, acceptance of the 19th century law of reprisal and the establishment of nuclear-free zones.

"Intervention in Civil Wars: a Modest Proposal"

by Tom Farer, 67 Colum. L. Rev. 266 (1967), examines past U.S. policy regarding civil wars and the changes effected by contemporary experiences, with proposals for policy modifications.

"International Law and the United States Role in the Viet Nam War"

by Richard A. Falk and John Norton Moore, (a series of exchanges) 75 Yale L. J. 1122, 76 Yale L. J. 1051 and 1095 (1967), comprises the debate between the two authors concerning the legality of the United States involvement in Viet Nam. Falk opens with reasons why the war is a civil rather than an international war. Moore counters that while the conflict has characteristics of both, there is a de facto separateness between North and South Viet Nam and therefore the war is primarily international in character. In the third exchange Falk again takes up the civil war approach and concludes that the United States has acted contrary to the policy of inhibiting unilateral recourse to violence, thus endangering the future of international legal order by setting an unfortunate precedent.

"American Actions in Vietnam: Justifiable in International Law?"

Note, 19 Stan. L. Rev. 1307 (1967), provides up-to-date views of the legal community concerning the lawfulness of the American presence in Vietnam.

"The Inspection and Control System of the European Nuclear Energy Agency"

by Stephen Gorove, 7 Va. J. Int'l. L. (1967).

"Peace & Security in the Far East and the Japan-Korean-U.S. Treaty Relations"

by Yuichi Takano, 16 Int'l. and Comp. L. Q. (1967).

International Trade and Finance

"The United States and the Warsaw Convention"

by Andreas F. Lowenfeld & Allan I. Mendelson, 80 Harv. L. Rev. 497 (1967), contains a thoughtful account of the policy debates within the U.S. and the negotiations with other countries which resulted in the denunciation of the Convention by the U.S. and later interim re-adherence to it as amended by the Montreal Conference.

"National Economic Policy in an Interdependent World Economy"

by Richard N. Cooper, 76 Yale L. J. 1273 (1967), provides a suggestion for solving some of the world economic problems by "internationalizing" the process of economic policy making in a study on the impact of GATT.

"The 'Most Favored Nation' Clause in GATT: A Need for Reevaluation?"

Note, 19 Stan L. Rev. 841 (1967), discusses how recent challenges of the "most favored nation" concept by newly developing nations in favor of preferential tariff treatment have cast the U.S. into the dilemma of whether or not to cast aside this former "bedrock" on which world trade was built.

"Extended Risk and Latin American Housing Guaranties: Foreign Assistance Through Business Risk Protection for Private Enterprise"

by Fredric L. Kirgis, Jr. 53 Va. L. Rev. 285 (1967), studies the problem of inducing substantial private enterprise investment in underdeveloped areas in a manner consistent with foreign assistance objectives, without eliminating the potential profit.

"American Bond Issues in the European Economic Community"

Note, 19 Stan. L. Rev. 1337 (1967), outlines the development of possible capital sources for American investments within the Common Market.

"A Symposium on State Trading"

Special Issue of 20 Vand. L. Rev. (Mar. 1967),
Articles:

"Some Legal Problems of State Trading in Southeast Asia"
by Chittharanjan F. Amerasinghe

"Possible Effects of the Proposed East-West Trade Relations
Act Upon U.S. Import, Export, and Credit Controls"
by Harold J. Berman and John R. Garson

"Communist China's Foreign Trade Organization"
by Gene T. Hsiao

"State Trading Monopolies in the European Economic Community"
by Ernst-Joachim Mestmächer

"Commercial Treaties and International Trade Transactions in
East-West Trade"
by Clive M. Schmittoff

"AEC Production and Distribution of Radioisotopes: State Trad-
ing in a Free Enterprise Economy"
by E. Blythe Stason

"State Trading Activities in Hungary"
by Stephen Szaszy

"The Sabbatino Case and the Sabbatino Amendment: Comedy or
Tragedy of Errors"
by William Harvey Reeves

"Application of German Antitrust Law to International Restraints
on Trade"
by Kurt E. Markert, 7 Va. J. of Int'l. L. (1967).

"Capital-Market Development in Israel and Brazil: Two Examples of
the Role of Law in Development"
by Allan R. Roth, 19 Stan. L. Rev. 1277 (1967).

"Reforming the 'Modern' Corporation: Perspectives from the German"
by Detlev F. Vagts, 80 Harv. L. Rev. 23 (1967).

"The Application of EEC Law by National Courts"*

by Michel Wailbraeck, 19 Stan. L. Rev. 1248 (1967), studies the growth and development of EEC law into the separate national courts of the member countries and points out that the impact of the treaty reaches into the legal systems. New rights, duties and privileges are conferred upon individuals as well as nations and it is the task of the courts to handle controversies in the light of their national law and the new EEC law.

"The Grundig-Consten Case Revisited: Judicial Harmonization of National Law and Treaty Law in the Common Market"*

by Lawrence F. Ebb, 115 U. Pa. L. Rev. 855 (1967).

"Jurisdictionally Improper Fora in Treaties on Recognition of Judgments: The Common Market Draft"*

by Kurt H. Nadlemann, 67 Colum. L. Rev. 995 (1967).

"Conflict of Laws and the European Economic Community"*

by Ulrich Drobnig, 15 Am. J. Comp. L. (1966-67).

"The European Common Market in Agriculture"

by Kenneth W. Dam, 67 Colum. L. Rev. 209 (1967), examines in great detail the policy and technique of implementing the provisions of the Common Agricultural Policy for "free circulation" of agricultural commodities among the EEC. This article is based on an in depth study of provisions affecting cereal grains.

"Agriculture, Finance, & Politics in the European Economic Community"

by Carol Ann Cosgrove, 3 Int'l. Rel. J. of the David Davies Memorial Inst. of Int'l. Studies (1967).

International Organizations

"Implications of the Prospective Revisions of the Berne Convention and the United States Copyright Law"

by Mellville B. Nimmer, 19 Stan. L. Rev. 499 (1967), deals with the impact of proposed revisions of the Berne Convention in relation to the United States position as a non-member. With proposals of change in American copyright law before Congress, reassessment of the advantage of American accession seems appropriate.

"UNCTAD Proposals for International Economic Reform"

by Gerald M. Mier, 19 Stan. L. Rev. 1173 (1967), studies the problems and questions that the United National Conference on Trade and Development sees in the present operations of GATT and the IMF as it affects the economic growth of lesser developed countries. Are these agencies of international finance hindering such nations in their development, is one of the major questions that this article sets out to answer.

"Some Psychological Factors in International Third-Party Decision Making"

by Thomas M. Franck, 19 Stan. L. Rev. 1217 (1967), attempting, with the query, "Can any man, or group of men, administer justice impartially in an ideologically and culturally divided world?"; to set out to review the many systems which the world has devised for problem solving to protect future "generations from the scourge of war".

"Human Rights and Non-Intervention in the Inter-American System"

by Jose A. Cabranes, 65 Mich. L. Rev. 1147 (1967), studies the promotion and protection of human rights in the inter-American system. The OAS' lack of interest, until quite recently, in undertaking an international program to protect human rights in the American republics is a function principally of the traditional Latin American repudiation of intervention in the internal affairs of American states.

"Withdrawal from the United Nations - the Indonesian Intermezzo"

by Egon Schwelb, 61 Am. J. Int'l. L. (1967), reviews the recent Indonesian withdrawal from the United Nations in light of the confusion created by the U.N. charter in handling such an unusual and unforeseen action.

"Enforcement of Administrative Provisions of a League of Nations Mandate-South West Africa Cases (International Court of Justice 1966)

Note, 55 Calif. L. Rev. 251 (1967), criticizes the apparent 1966 reversal of the 1962 I.C.J. decision that Ethiopia and Liberia could bring a contentious proceeding against South Africa's conformance to the League of Nations mandate.

Conflicts

"In-Flight Crime: The International and Domestic Picture Under the Tokyo Convention"

by Allan I. Mendelsohn, 53 Va. L. Rev. 509 (1967).

"Methods and Policies Underlying Decisions on International Conflict of Law Cases"

by Oler Lando, 15 Am. J. Comp. L. (1967).

Private International Law

"The Rights of Surviving Spouses Under Private International Law"

by Eugen Dietrich Graue, 15 Am. J. Comp. L. (1967).

Other Articles of Interest

"Criminal Sanctions Against Passport Area-Restriction Violations"
19 Stan. L. Rev. 1369 (1967).

"Freezing and Confiscation of Cuban Property"
19 Stan. L. Rev. 1358 (1967).

