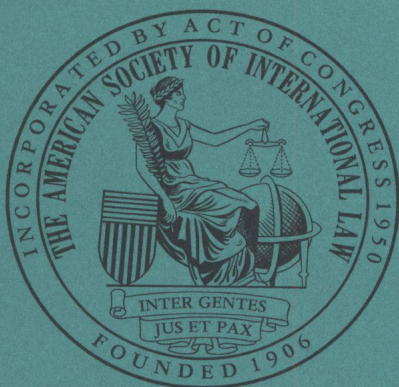


OCTOBER 2007 ■ VOLUME 101, NUMBER 4

# American Journal of International Law



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- Opening Pandora's Box: Sovereign Bonds in International Arbitration  
Michael Waibel
- Internationally Wrongful Acts in Domestic Courts  
André Nollkaemper

PUBLISHED BY The American Society of International Law

# International Judicial Monitor

## The Latest Developments in International Law

Published by the American Society of International Law in partnership with the International Judicial Academy, this popular bi-monthly international law resource offers practical information, analysis, and tools for judges, justice sector professionals, and the rule of law community of practice around the world. Each issue has regular features including:

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September 2006, Volume 1, Issue 4


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#### Justice in Profile



Judge Rudiger Wolfrum of Germany is the President of the International Tribunal for the Law of the Sea, which sits in Hamburg, Germany. [Read more >](#)

#### International Tribunal Spotlight



European Court of Human Rights (ECtHR) [Read more >](#)

#### Significant Judicial Developments

[UN Urges Renewed Pledge to Timor-Leste Judiciary](#)

[Is Russia Ready for Jury Trials?](#)

[India: New System Sought for Judges' Appointment](#)

[Vietnamese Judicial Reforms Encourage Equity](#)

(More Judicial Developments >)

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[Supreme Courts in an Internationalized World \(HIL\)](#)

[Hague Service Convention Handbook \(HCCH\)](#)

[Rule of Law and Due Process in Criminal Justice Systems \(OSCE\)](#)

[African Judicial Network \(AJN\)](#)

(More International Resources >)

#### Rule of Law Survey

Should Common Article 3 of the Geneva Conventions apply as a matter of international law to the US conflict with al Qaeda and other non-state actors?

Yes

No

Uncertain

[See Survey Results](#)

#### Calendar of Events

**September 26, 2006**  
[Update on Hague Service Convention >](#)

**September 26, 2006**  
[Examining the Implications of Hamdan v. Rumsfeld >](#)

(More Events >)

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#### NEWS AND PROGRAMMATIC HIGHLIGHTS

##### ASIL Sidebar

###### Judicial Education and the Emergence of a Global Legal Environment

The growing impact of international law and transnational legal practice on legal systems the world over during the past several decades has led to increased emphasis on ensuring that members of the judiciary obtain training in substantive and procedural aspects of international law and how it is incorporated domestically. [\(Read More >\)](#)

##### IJA Docket

###### Second Sir Richard May Seminar

The second Sir Richard May Seminar on International Law and International Courts is being held in The Hague, Netherlands, September 24-29, 2006. [\(Read More >\)](#)

##### Cases of Note

[European Court of Justice: Commission of the European Communities v. Ireland \(May 30, 2006\) >](#)

[Supreme Court of the United States: Hamdan v. Rumsfeld, Secretary of Defense et al. \(June 29, 2006\) >](#)

[International Court of Justice: Pulp Mills on the River Uruguay \(Argentina v. Uruguay\) \(Rejection of request for provisional measures\) \(July 13, 2006\) >](#)

[Court of Justice of the European Communities: European Parliament v. Council of the European Union and European Parliament v. Commission of the European Communities \(May 30, 2006\) >](#)

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#### OPINIONS AND COMMENTARY

##### Global Judicial Dialogue

###### The Value of International Programs For Judges

Hon. Linda Ludgate, Pennsylvania Court of Common Pleas Judge, Berks County, Pennsylvania Since becoming a state trial judge in the Commonwealth of Pennsylvania in 1990, I have attended numerous courses at the National Judicial College in Reno, Nevada, obtaining valuable information that has assisted me in my duties as a trial judge. [\(Read More >\)](#)

##### General Principles of International Law

###### Treaty Interpretation

Articles 31 and 32 of the Vienna Convention on the Law of Treaties (VCLT) set forth the basic rules of treaty interpretation. [\(Read More >\)](#)

##### Leading Figures in International Law

###### Dr. Leandro O. Despouy, Human Rights Advocate and Scholar

Dr. Leandro Despouy, a human rights advocate and scholar from Argentina, is spearheading the international protection of the independence of judges, lawyers, and prosecutors. [\(Read More >\)](#)

##### Justice Sector Assessment

###### Rule of Law Lessons-Learned in UN Complex Multidimensional Peacekeeping

United Nations complex multidimensional peacekeeping operations initiated under Chapter VII of the UN Charter have become increasingly involved in rule of law (ROL) issues and programming. [\(Read More >\)](#)

##### In Review: New Publications on International and Comparative Law



###### A New World Order

By Anne-Marie Slaughter  
Princeton University Press 2005  
"New world order" is neither a new idea nor a new phrase. That fact is simply demonstrated by doing a quick "Google" search of the term, which yields some eight million, three hundred and ninety thousand references. [\(Read More >\)](#)

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# AMERICAN JOURNAL OF INTERNATIONAL LAW

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Over the last two decades, private creditors have increasingly resorted to litigation in national courts as a means of obtaining payment on defaulted sovereign debt. Arbitration under the auspices of the International Centre for Settlement of Investment Disputes is commonly mentioned as a viable alternative. Such attempts to take defaulting countries to arbitration could upset the sovereign debt market's delicate equilibrium, and they are also unlikely to succeed. The article shows why ICSID may lack jurisdiction over sovereign debt instruments and why sovereign defaults generally do not trigger state responsibility.

## Internationally Wrongful Acts in Domestic Courts

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This article explores the situations in which principles of international responsibility may guide domestic courts in determining the consequences that should attach to a finding of breach or potential breach by the forum state of its international obligations, in cases like *Sánchez-Llamas* and *Medellín*. It discusses the normative foundation of the application of these principles at the domestic level and explains how domestic courts can contribute to the implementation of international responsibility.

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(Act of August 12, 1970; 39 U.S.C. § 3685)

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