AMERICAN
SOCIETY OF
INTERNATIONAL
LAW

PROCEEDINGS

of the

71st ANNUAL MEETING

SAN FRANCISCO, CALIFORNIA APRIL 21–23, 1977 It is the policy of the American Society of International Law not to take an official position, by resolution or otherwise, upon controversial questions. The views expressed in the addresses and remarks delivered at its annual meetings and appearing in its printed PROCEEDINGS are those of the individual speakers and are not to be taken as representing the views of the Society.

COPYRIGHT © 1977 BY

THE AMERICAN SOCIETY OF INTERNATIONAL LAW
2223 Massachusetts Avenue, N.W.

Washington, D. C. 20008

LANCASTER PRESS, INC. LANCASTER, PA. 17604

PROCEEDINGS OF THE SEVENTY-FIRST ANNUAL MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW

CHAIRMAN OF THE COMMITTEE ON THE ANNUAL MEETING Arthur R. Albrecht

EDITOR OF THE PROCEEDINGS

James A. R. Nafziger

CONTENTS

	PAGE
Preface	iii
Sensitive Payments Abroad: International and Domestic Aspects	
CHAIR: Walter S. Surrey	1
REMARKS BY Mark B. Feldman Roderick M. Hills Richard Murray	1 4 6
COMMENTS BY C. L. Haslam Robert H. Neuman	10 12
Discussion	15
Control of Terrorism in International Life: Cooperation and Self-Help	
MODERATOR: John F. Murphy	17
REMARKS BY L. F. E. Goldie Harry Almond Chalmers Johnson	21 25 27
Discussion	30
Self-Interest in the Common Interest. Address by Rudolph L. Peterson to the Joint Luncheon with the Section of International Law of the American Bar Association	. 32
Financing of Development Investment: Current Techniques and Proposals	
MODERATOR: C. Thorne Corse	33
REMARKS BY Lester Nurick Arnold Weiss Neil J. Paterson	36 38 41
Discussion	46

	PAGE
International Environmental Protection: Policy, Legal, and Trade Aspects	
CHAIR: Homer G. Angelo	48
Policy and Legal Aspects. Robert E. Stein and John L. Hargrove Pollution of Shared Natural Resources: Legal and Trade Implica- tions. Stephen C. McCaffrey	48 56
nons. Stephen C. McCanrey	30
COMMENTS BY J. Alan Beesley Frederic L. Kirgis, Jr	61 63
Discussion	66
Human Rights: A New Policy by a New Administration	
CHAIR: Louis Henkin	68
REMARKS BY Arthur W. Rovine Patricia Derian Howard D. Coleman Ernest Haas Alexander Dallin	68 70 71 72 73
Discussion	74
Developing a Pacific Community	
CHAIR: Akio Morishima	76
REMARKS BY Eiichi Fukatsu	76 79 81
Comments ву Toshio Sawada	84 85
Discussion	86
International Law and Other Disciplines	
MODERATOR: Richard R. Baxter	87
REMARKS BY L. F. E. Goldie Lee C. Nehrt Michael H. Cardozo	87 93 95
Discussion	96

	PAGE
Business Meeting	
Report of the Executive Director Report of the Director of Studies Election of Officers Committee Reports Other Business	100 105 105
The Law of the Sea Conference and Its Aftermath	
CHAIR: Robert B. Krueger	. 107
REMARKS BY Elliot L. Richardson J. Alan Beesley	
COMMENTS BY Arvid Pardo Richard R. Baxter DISCUSSION	. 123
Access to Supplies and Resources: Commodity Agreements	
CHAIR: David G. Gill	. 129
REMARKS BY Charles R. Johnston, Jr. Guy F. Erb	
COMMENTS BY Joseph M. Finger William D. Rogers DISCUSSION	. 141
Perspectives on the Future of the Oceans. Address by Elliot L Richardson to the Joint Luncheon with the Bar Association o San Francisco Law of the Seas Committee and the World Affairs Council of Northern California	f l
Japan's Emerging Views of International Law	
CHAIR: Jerome A. Cohen	. 148
Japan's Handling of International Environmental Problems Contradictions with the Domestic Record. Julian Gresser. The Status of Political Refugees in Japan. Shinya Murase Japanese Perspective on the Law of the Sea. Kazuomi Ouchi.	. 148 . 155
COMMENTS BY Kentaro Serita Yuichi Takano	
Discussion	167

International Boycotts and Embargoes	PAGE
CHAIR: Paul B. Hannon	170
Historical Aspects and the U.S. Involvement in Boycotts. Carlyle	
E. Maw	170 174
Decision. W. Michael Reisman	182 190
COMMENTS BY Franz M. Oppenheimer	192
Discussion	194
The International Protection of Cultural Property	
CHAIR: Leonard D. DuBoff	196
REMARKS BY John Merryman Patrick Macrory Mark B. Feldman Paul M. Bator	196 200 202 203
Discussion	204
Annual Dinner. Address by Herbert L. Hansell, The Legal Adviser, U.S. Department of State	207
The Philip C. Jessup International Law Moot Court Competition	211
REMARKS BY Lord Caradon	212
International Restrictive Business Practices	
CHAIR: Cecil J. Olmstead	213
I. The Department of Justice Guidelines for International Operations	
Subject-Matter Jurisdiction in U.S. Export Trade. Douglas E. Rosenthal	
COMMENTS BY Stefan A. Riesenfeld G. Winthrop Haight	
II. International Technology Transfer	224
Understanding and Misunderstanding—Technology Transfer, Economic Development, and Restrictive Business Practices Andreas F. Lowenfeld	

COMMENTS BY	PAGE
Harvey W. Wallender, III. Gabriel Wilner	227 228
Discussion	230
Treaties and Executive Agreements	
CHAIR: Don Wallace, Jr.	235
REMARKS BY Monroe Leigh James T. Scholleart Michael J. Glennon	236 241 244
COMMENTS BY Richard R. Baxter Arthur W. Rovine Thomas M. Franck	251 253
Discussion	257
Appendices	
Association of Student International Law Societies: The Executive Secretary's Report Officers and Committees for the Year 1977–78 Incorporation Act of September 20, 1950 Resolution of April 28, 1951 Constitution of the American Society of International Law Regulations of the Society	259 266 270 273 274
Indov	292