AMERICAN

SOCIETY OF

INTERNATIONAL

LAW

PROCEEDINGS

of the 73rd ANNUAL MEETING

WASHINGTON, D.C. APRIL 26 - 28, 1979

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, remarks and discussions delivered at its annual meetings and appearing in its printed PROCEED-INGS are those of the individual speakers are not to be taken as representing the views of the Society.

> COPYRIGHT © 1979 BY THE AMERICAN SOCIETY OF INTERNATIONAL LAW 2223 Massachusetts Avenue, N.W.

Washington, D. C. 20008

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

CO-CHAIR OF THE COMMITTEE ON THE ANNUAL MEETING Edith Brown Weiss Timothy B. Atkeson

EDITOR OF THE PROCEEDINGS Judith R. Hall

CONTENTS

Preface	iii
Editor's Note	v
International Monetary Law in an Age of Floating Currencies	
CHAIR: Joseph Gold	1
Exchange Arrangements and International Law in an Age of Floating Currencies. Joseph Gold The General Standard of International Value in Public International Law. Stephen A. Silard	1 15
REMARKS BY L.A. Whittome Margaret L. Greene Robin T. Tait	24 25 30
DISCUSSION	33
Corrupt Practices in International Commercial Transactions	
CHAIR: Walter Sterling Surrey	36
REMARKS BY Robert Pozen Mark Richard Richard Shine Franklin K. Willis Richard Schepard	37 41 43 45 49
DISCUSSION	52
Two Cheers for International Adjudication. Address by Richard R. Baxter to the Joint Luncheon with the Section of International Law .	55
Multilateral Trade Negotiations	
CHAIR: C. Fred Bergsten	56
The Constitutional Problems of the International Economic System and the Multilateral Trade Negotiation Results. John H. Jackson) 56
REMARKS BY C. Fred Bergsten Robert Cassidy Myer Rashish	64 71 73
DISCUSSION	73

76

76

86

92

..... 106

CHAIR: Timothy B. Atkeson

Thomas B. Stoel, Jr.

Marilyn C. Bracken

Robert E. Herzstein

DISCUSSION	100
Business Meeting	
Report of the Executive Director	109
Report of the Director of Studies	110
Election of Officers Report of the Ad Hoc Committee on Guidelines for the Nominating	112
Committee	112
Election of the Nominating Committee	114
Other Committee Reports	117
Discussion of the Programs of the Society	118
Labor Mobility: The Global Bracero Problem	•
CHAIR: Abelardo Lopez Valdez	119
The Causes and Effects of Undocumented Worker Migration in the Western Hemisphere: The Need for A Development Solution.	110
Abelardo Lopez Valdez	119
REMARKS BY	
Michael Teitelbaum	128
Phyllis Eisen	129
David Yeres	
DISCUSSION	130
APPENDIX	
Undocumented Aliens: Some International Aspects.	
John F. Thomas	131
China: Constitutional Implications of Recognition and Derecog- nition	
CHAIR: Monroe Leigh	137
The Basic Problems. Covey T. Oliver	137
Remarks by	,
Alan C. Swan	141
John Norton Moore	148
DISCUSSION	153
Proposals on Conventional Weapons Limitations	

Remarks by Michael John Matheson 156

International Regulation of Toxic Substances

REMARKS BY

DIGOURGION

International Regulation of Nuclear Energy	۰.
CHAIR: William O. Doub	158
A Look at U.S. Nuclear Nonproliferation Policy. Barton Z. Cowan	159
Nuclear Energy and International Relations: The Case for the Federal Republic of Germany. Thomas Roser	166
REMARKS BY Andre Petit	175
DISCUSSION	180
Freedom of Speech and Press Among Countries	
CO-CHAIR: John G. Murphy, Jr. and Louis Henkin	183
Tender Vines. William G. Harley	183
Comment by Louis Henkin	192
REMARKS BY Alfred Friendly, Jr. Mohamed Hakki S. Neil Hosenball	
DISCUSSION	200
Open Forum	
PRESIDING: Arghyrios A. Fatouros	203
Biological Research and International Law	
CHAIR: Edith Brown Weiss	204
Science Confronts Society on the Issue of Genetic Experiments on Human Beings: A Lawyer's View. Mary Helen Sears Formulation of the NIH Guidelines for Recombinant DNA Research as	204
an Exercise in Due Process. Joseph G. Perpich	219
Current Assessment of Risks Associated with Recombinant DNA Research. Anne Skalka The Effects of U.S. Regulatory Requirements on International Phar-	232
maceutical Marketing and Research. Richard F. Kingham	233
DISCUSSION	237
State Responsibility, Self-Help, and International Law	
CHAIR: John F. Murphy	242
The Current Status of the Law of State Responsibility for Injuries to Aliens. Richard B. Lillich Dispute Settlement. David A. Gantz) 244 249
REMARKS BY Frances A. Armstrong	259
DISCUSSION	262

Development of Antarctica

CHAIR: John Lawrence Hargrove	264
REMARKS BY Richard B. Bilder Giulio Pontecorvo John Dugger Jonathan I. Charney John D. Negroponte	265 266 267 268 271
The Emerging Antarctic Living Resources Convention. James N. Barnes	272
DISCUSSION	292
Annual Dinner Address by William D. Rogers: The International Uses of the Law	294
The Philip C. Jessup International Law Moot Court Competition.	299
Contemporary Views on the Sources of International Law: The Effect of U.N. Resolutions on Emerging Legal Norms	
CHAIR: Anthony D'Amato	300
The Effect of Resolutions of the U.N. General Assembly on Customary International Law. Stephen M. Schwebel Contemporary Soviet Doctrine on the Sources of General International	301
Law. Christopher Osakwe The Legal Status of General Assembly Resolutions: Some Conceptual Observations. Oscar M. Garibaldi	310 324
DISCUSSION	327
Appendices Association of Student International Law Societies: The Executive Secretary's Report Officers and Committees for the Year 1979-80 Amendment to the Constitution of the Society Amendment to the Regulations of the Society	334 341 343 343
Index	345