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OF INTERNATIONAL LAW AND POLICY

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FACULTY COMMENT

REVISIONS OF THE INTERNATIONAL

LEGAL ORDER *Philip C. Jessup* 1

In this Comment, Philip C. Jessup, a member of the International Court of Justice from 1961 to 1970, examines developments in the international legal order since the writing of his *A Modern Law of Nations* in 1945. The more encouraging developments have not yet saved mankind from "the scourge of war," but have borne fruit. Judge Jessup explores specific examples from both the national and international arenas. He then discusses "the importance of the International Court of Justice as a developer or clarifier of rules of international law." Because the Court plays such an important role, Judge Jessup regrets the fact "that some states have sought to evade their proper part in arguing cases before the Court," especially in cases involving a request for provisional measures of interim protection. He cites the case of the United States hostages in Iran as the latest example of the failure of a state to "do its duty." Judge Jessup's conclusion, however, is optimistic: "The functioning of the United Nations and its organs and conferences gives justification for the conviction that revisions of international law will continue to develop in such a way as to meet the needs of our international society."

ARTICLES

SOUTH AFRICA'S "INDEPENDENT" HOMELANDS: AN
EXERCISE IN DENATIONALIZATION *John Dugard* 11

The South African Government's policy of apartheid or separate development has achieved considerable notoriety over the past thirty years. Since 1976, South Africa has resorted to the fictional use of statehood and nationality to resolve its constitutional problems and to deprive all Blacks in the country to their South African nationality. Professor Dugard traces the development of the homelands policy and describes the creation of the "independent" homelands. His primary focus, however, is on the denationalization of South African Blacks and on the important role of denationalization in the ideology of separate development, issues he describes as "central to the political future of South Africa."

OIL POLLUTION BY OCEAN VESSELS—AN ENVIRONMENTAL
TRAGEDY: THE LEGAL REGIME OF FLAGS OF
CONVENIENCE, MULTILATERAL CONVENTIONS,
AND COASTAL STATES *Paul Stephen Dempsey* 37
Lisa L. Helling

The dramatic growth in the use of flags of convenience by the maritime industry has become an issue of international concern. A variety of fac-

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tors—including labor, tax, and environmental interests which impose higher operating costs—have pressured fleet operators to opt for vessel registration in those countries that impose only a minimum of regulation. Consequently, ships bearing a flag of convenience are often characterized by their poor conditions, inadequately trained crews, and frequent collisions. The authors discuss the international legal regime that allows convenient vessel registration, the effects that poorly regulated fleets have on the environment, and current multinational agreements that establish higher safety standards. They propose a multilevel regime to effectively deter continued environmental pollution by ocean vessels.

**LEGAL EFFECTS OF THE MULTILATERAL TRADE
NEGOTIATIONS: AGRICULTURAL COMMODITIES . . . *Rex J. Zedalis* 89**

During recent sessions of the Tokyo Round, a majority of developed and developing nations concluded agreements which reflect their desire to solve many particularly troublesome problems caused by non-tariff barriers and international trade in agricultural commodities. Reviewing established GATT principles which have been enshrined in various provisions of the U.S. Trade Agreements Act of 1979, the author assesses the domestic impact of the Tokyo Round agreements on both the import and export of agricultural commodities. He concludes that the codes of conduct which have emanated from the recent multilateral negotiations will substantially contribute to the expansion of agricultural trade.

STUDENT COMMENT

**PEACEKEEPING ASPECTS OF THE EGYPTIAN-ISRAELI
PEACE TREATY AND CONSEQUENCES FOR
UNITED NATIONS PEACEKEEPING *Richard W. Nelson* 113**

The Treaty of Peace Between Egypt and Israel, signed 25 April 1979, contained provisions for temporary and permanent peacekeeping arrangements in the Sinai Peninsula. The provisions raised issues relating both to United Nations peacekeeping forces and to non-U.N. multinational peacekeeping. This Comment discusses the implementation of the Treaty's peacekeeping provisions. It includes a treatment of President Carter's pledge concerning an "alternative multinational force," which took on added significance when the U.N. Security Council refused to extend the mandate of the existing force in the Sinai. The effects of the dissolution of this force are then considered in the course of general comments on the prospects for U.N. peacekeeping in light of the Treaty and its aftermath.

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