

CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL

VOLUME 15

WINTER 1985

NUMBER 1

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ARTICLES

Reservations to Multilateral Treaties on Human Rights

Massimo Coccia 1

In the modern law of treaties, reservations still play an important role in shaping the international obligations of States. The Vienna Convention regime on reservations, however, has arguably changed the legal effects of objections and acceptances to reservations. This, in turn, has led some scholars to argue that certain rules which relate to reservations are no longer actionable. This Article explores and attempts to rectify certain misconceptions regarding the legal role of reservations and the rules on reservations codified in the Vienna Convention on the Law of Treaties. The analysis focuses on reservations to human rights treaties, although the conclusions reached may be valid for any multilateral treaty. The author also relates the discussion to any future United States ratification of the major human rights treaties.

Legal Implications of a Space-Based Ballistic Missile Defense

Milton L. Smith 52

The space-based ballistic missile defense system (BMD) recently proposed by President Reagan has engendered considerable controversy for several reasons. This article focuses primarily on the impact of such a system within the current framework of international law, although technical, strategic and policy issues are also addressed. The author examines the compatibility of BMD systems with United States and Soviet obligations under the two most relevant agreements: the ABM Treaty and the Outer Space Treaty. The applicability of the ABM Treaty to new technologies and the limitations it imposes on research, development and deployment of a space-based ABM system are studied. The problems of reconciling dual use technology and formulating a workable definition for the term "space-based" are also considered. Additionally, the pertinent provisions of the Outer Space Treaty are analyzed as they apply to BMD systems.

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