

# ARIZONA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW

---

VOLUME 11, NUMBER 1

SPRING 1994

---

## TABLE OF CONTENTS

### ARTICLES

Page

#### SELF-DETERMINATION, INTERNATIONAL LAW AND SURVIVAL ON PLANET EARTH

*Louis René Beres*

1

Professor Beres argues that contemporary applications of the international legal principle of self-determination of nations compromise the self-determination of individuals and legitimize war and genocide. This provocative article calls for a new world order based on individual self-realization and liberation from the "herd" within the modern State. The author makes an original and compelling argument that the concept of self-determination in international law must no longer be used to justify ethnic conflicts and militaristic nationalism among States, but rather to promote planetary peace.

#### PRESERVING RURAL-URBAN FRINGE AREAS AND ENHANCING THE RURAL ENVIRONMENT: LOOKING AT SELECTED GERMAN INSTITUTIONAL RESPONSES

*Terrence J. Centner*

27

The preservation and support of rural-urban fringe areas in the United States has become increasingly important; however, consensus on the need or strategy for such endeavors is lacking. Professor Centner discusses some of the institutional responses employed by the federal government of Germany. Despite historical and social differences between the two countries, the comparative analysis provides strategies that should aid policy makers in the United States as they address the issues confronting our rural-urban fringe areas.

WAR, LAW & LIBERAL THOUGHT: THE USE OF  
FORCE IN THE REAGAN YEARS

*David P. Fidler*

45

A great and profound debate about the use of force in international law revolves around conflicting theories of liberal progressivism and liberal realism. After arguing that conventional criticism of the use of force in the Reagan years misunderstands that administration's position and fails to do justice to the liberal progressive tradition, Mr. Fidler examines the Reagan administration's policies on Nicaragua in light of the theory and practice of the liberal realist tradition.

NOTES AND COMMENTS

GENDER PERSECUTION: CANADIAN GUIDELINES  
OFFER A MODEL FOR REFUGEE DETERMINATION  
IN THE UNITED STATES

*Kristine M. Fox*

117

Sophia Campos-Guardado, an El Salvadorean victim of a politically-inspired violent rape, is just one of many women who have been denied asylum from persecution for failing to meet a traditionally male-oriented definition of "refugee." Ms. Fox compares refugee determination proceedings in Canada, which recognize the prevalence of gender-specific forms of persecution that women often suffer, to those in the United States that remain frozen in Cold War politics.

VIETNAMESE RE-EDUCATION CAMPS: DO THEY  
VIOLATE BOTH TRADITIONAL AND MODERN  
VIETNAMESE CRIMINAL LAW?

*Viet V. Le*

145

Ms. Lee's Comment surveys the dynastic history of Vietnam and then compares the scope of fundamental rights afforded to the people of Vietnam under both the Lê Dynasty and modern Vietnamese law. By analyzing the Vietnamese re-education program under the legal standards of historical and modern Vietnam, this Comment concludes that the Vietnamese re-education camps violate both traditional and contemporary Vietnamese law.

UNITED STATES' SANCTIONED KIDNAPPINGS  
ABROAD: CAN THE UNITED STATES RESTORE  
INTERNATIONAL CONFIDENCE IN ITS  
EXTRADITION TREATIES?

*Bradley Thrush*

181

The Supreme Court's controversial decision in *United States v. Alvarez-Machain* that the U.S.-Mexico Extradition Treaty does not prohibit forcible abductions and, thus, a Mexican national abducted by U.S. agents in Mexico could be prosecuted in the U.S. for the murder of an undercover agent in Mexico, caused protests from the Mexican and Canadian governments. Mr. Thrush analyzes the *Alvarez-Machain* decision in light of international law, U.S.-Mexico and U.S.-Canada extradition treaties, and judicial precedent. He recommends Congressional legislation as the best way to avoid future problems relating to the controversy.



# ARIZONA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW

---

---

## EDITORIAL BOARD 1993-94

### Editor-in-Chief

JEFFREY A. WEINSTEIN

### Managing Editors

BRONWEN DAVIS

WENDY GERHART

JASON B. MORRIS

### Articles Editors

KATHLEEN M. MALONEY-DUNN

MURALI MADHAV MENON

DAVID T. WILSON

### Research & Development Editor

RUSSELL E. KRONE

### Business Editor

CRAIG A. MARQUIZ

### Technical Editor

STEWART J. WOMACK

### Note & Comment Editors

EDWARD BARUCH

FRANK A. MAGNANIMO

JUDITH WITT PALMER

KATHRINE M. BRAUER

TONY ED MONZINGO

NICCI TANNAR

DIANE L. EISINGER

ROBERT NAPOLES

MICHAEL J. ZERMAN

BOB R. GARY

### Third Year Writers

STEPHEN M. BARKLEY

VIET V. LE

MICHAEL J. MASSEE

ROGER CHALMERS

JACQUELINE L. ROHR

### Second Year Writers

JONATHAN ADAMS R.

ROBERT M. SULLIVAN

MARC D. BLEAMAN

CRAIG M. NICHOLAS

BACLE DON TAYLOR

JEFFERSON T. COLLINS

MARIA ELLEN NICHOLSON

LISA C. THOMPSON

MICHA DANZIG

KYRA M. PADDEN

SHERRY M. THOMPSON

KRISTINE M. FOX

DAVID M. PALTZIK

BRAD THRUSH

VERNE S. HILL

HILARY PETERSON

ANGEL T. UHLMANN

EDWARD M. HOLZ

DEBORAH L. RHOADS

GREGORY B. VALLADAO

JOHN S. JOHNSON

ALEXANDER W. ROBERTS

KAREN S. WHITE

ALEXANDRA KERSEY

PAUL L. STOLLER

SARAH S. WORKS

### Faculty Advisor

JAMES RATNER