ARTICLES
Corporate Governance Changes in the Two Largest Economies: What’s Happening in the U.S. and Japan?
Makoto Toda and William McCarty

Reflecting on the Rule of Law, Its Reciprocal Relation with Rights, Legitimacy and Other Concepts and Institutions
Samuel J.M. Donnelly

Towards a Test of the International Character of an Armed Conflict: Nicaragua and Tadié
Leo Van den hole

SURVEY
Warsaw Convention

Alien Tort Claims Act

Foreign Sovereign Immunities Act

Lack of Jurisdiction Over Foreign Defendants

Extradition

NOTES
Breaking the Chain of Violence in Israel and Palestine: Suicide Bombings and Targeted Killings Under International Humanitarian Law
Demian Casey

Exercising Their Rights: Native American Nations of the United States Enhancing Political Sovereignty Through Ratification of the Rome Statute
Kristoffer P. Kiefer
HONORARY BOARD OF ADVISORS

YORAM DINSTEIN
Tel Aviv, Israel

MYRES S. MCDUGAL
New Haven, Connecticut

NORTHCUTT ELY
Washington, D.C.

EDWARD MCWHINNEY
Burnaby, British Columbia, Canada

VICTOR C. FOLSOM
Green Valley, Arizona

CECIL J. OLMSHEAD
New York, New York

MICHAEL W. GORDON
Gainesville, Florida

NATALINO RONZITTI
Pisa, Italy

GUNTHER JAENICKE
Heidelberg, Germany

SHABTAI ROSENNE
Jerusalem, Israel

MANFRED LACHS*
The Hague, Netherlands

DAVID M. SASSOON
Washington, D.C.

HOWARD S. LEVIE
Newport, Rhode Island

IVAN SHEARER
Sydney, Australia

RICHARD B. LILlich*
Charlottesville, Virginia

RICHARD YOUNG
Van Hornesville, New York

* Deceased Member
ARTICLES

Corporate Governance Changes in the Two Largest Economies: What's Happening in the U.S. and Japan?
Makoto Toda and William McCarty 189

Reflecting on the Rule of Law, Its Reciprocal Relation with Rights, Legitimacy and Other Concepts and Institutions
Samuel J.M. Donnelly 233

Towards a Test of the International Character of an Armed Conflict: Nicaragua and Tadić
Leo Van den hove 269

SURVEY

Warsaw Convention 290
Alien Tort Claims Act 292
Foreign Sovereign Immunities Act 296
Lack of Jurisdiction Over Foreign Defendants 304
Extradition 306

NOTES

Breaking the Chain of Violence in Israel and Palestine: Suicide Bombings and Targeted Killings Under International Humanitarian Law
Demian Casey 311

Exercising Their Rights: Native American Nations of the United States Enhancing Political Sovereignty Through Ratification of the Rome Statute
Kristoffer P. Kiefer 345
The Syracuse Journal of International Law and Commerce is owned, published and printed bi-annually by Syracuse University, Syracuse, New York 13244-1030, U.S.A. The Journal is one of the oldest student-produced International Law journals in the United States, and celebrated thirty years of student-production in the Spring of 2003. Editorial and business offices are located at: Syracuse University College of Law, McNaughton Hall, Suite No. 410, Syracuse, New York 13244-1030 U.S.A. Telephone: (315) 443-2056.

The Syracuse Journal of International Law and Commerce actively seeks and accepts article submissions from scholars and practitioners in the field of public and private international law. The Journal, from time to time, holds international symposia and publishes the papers presented therein in addition to its bi-annual volume of submissions.

Issue subscription rates, payable in advance, are: United States, $17.00; foreign $20.00. Subscriptions are automatically renewed unless a request for discontinuance is received. Back issues may be obtained from: William S. Hein & Co., Inc., 1285 Main Street, Buffalo, N.Y. 14209-1987. Back issue prices are: United States, $17.00; foreign, $20.00. All prices are subject to change without notice. POSTMASTER: Send address changes to: Syracuse Journal of International Law and Commerce, McNaughton Hall, Suite No. 410, Syracuse, New York 13244-1030 U.S.A. To ensure prompt delivery, notification should be received one month in advance.

The views expressed are solely those of the authors and do not necessarily reflect the views of the Syracuse Journal of International Law and Commerce, its advisors, editors or staff, Syracuse University College of Law, or Syracuse University.

Member of National Conference of Law Reviews
Member of National Conference of International Law Journals

The Syracuse Journal of International Law and Commerce is indexed in the Index of Legal Periodicals, Current Law and Legal Resources Index. Full text of selected articles is available on Westlaw® (database SYRJILC).

Copyright © 2005 Syracuse Journal of International Law and Commerce. All rights reserved.
OFFICERS OF THE UNIVERSITY
Nancy Cantor, Chancellor and President
Deborah A. Freund, Vice Chancellor and Provost, Academic Affairs

COLLEGE OF LAW ADMINISTRATION
Hannah R. Arterian, B.S., J.D., Dean and Professor of Law
Robin Paul Malloy, B.S., J.D., LL.M., Senior Associate Dean for Academic Affairs, Ernest I. White Distinguished Professor, Professor of Law & Economics
Robert Odawi Porter, B.A., J.D., Senior Associate Dean for Research, Professor of Law, Dean’s Research Scholar of Indigenous Nations Law and Director, Center for Indigenous Law, Governance & Citizenship
Cheryl A. Ficarra, B. Mus., M.S., Associate Dean for Enrollment Management and Chief Financial Officer
Donna M. Fish, A.A., B.A., M.A., Ph.D., Associate Dean for Strategic & Long Range Planning
Lowell H. Lustig, B.A., J.D., Associate Dean for Advancement
Keith E. Sealing, B.S., J.D., Associate Dean for Student Services
Janice Herzog Donohue, Assistant Dean for Administration
Thomas French, B.A., M.L.S., M.A., J.D., Director, Barclay Law Library and Associate Professor of Law

FACULTY
Aviva Abramovsky, B.S., J.D., Assistant Professor of Law
Hannah R. Arterian, B.S., J.D., Dean and Professor of Law
Donna E. Arzt, B.A., J.D., Professor of Law, Dean's Distinguished Research Scholar, and Director, Global Law & Practice
Robert H.A. Ashford, B.A., J.D., Professor of Law
Elizabeth A. August, B.A., J.D., Legal Writing Instructor
William C. Banks, B.A., M.S., J.D., Laura J. & L. Douglas Meredith Professor of Law, Professor of Public Administration, Maxwell School of Citizenship & Public Affairs and Director, Institute for National Security & Counterterrorism
Joseph A. Barrette, B.S., J.D., Professor of Law
Peter A. Bell, B.A., J.D., Professor of Law
Leslie Bender, B.A., J.D., LL.M., Professor of Law & Women’s Studies
Daan Braveman, A.B., J.D., Professor of Law
Sanjay K. Chhablani, B.A., J.D., Assistant Professor of Law
Christian C. Day, A.B., J.D., Professor of Law and Director, Center for Law & Business Enterprise
Lisa A. Dolak, B.S., J.D., Associate Professor of Law
Kathleen D. Dole, B.A., J.D., Legal Writing Instructor
Samuel J.M. Donnelly, A.B., LL.B., LL.M., Professor of Law and Senior Scholar of Law & Jurisprudence
David Driesen, B.A., M.A., J.D., Professor of Law
Richard A. Ellison, B.B.A., LL.B., Professor of Law
Martin L. Fried, B.A., LL.B., LL.M., Crandall Melvin Professor of Wills and Trusts
Thomas French, B.A., M.L.S., M.A., J.D., Director, Barclay Law Library and Associate Professor of Law
Elton Fukumoto, B.A., J.D., Ph.D., Legal Writing Instructor
Theresa A. Gabaldon, B.S., J.D., Distinguished Visiting Professor of Law
Ian Gallacher, B.A., M.F.A., J.D., Assistant Professor and Director, Legal Writing & Research
Gregory Germain, B.A., J.D., LL.M., Assistant Professor of Law
Richard I. Goldsmith, A.B., LL.B., Professor of Law
Theodore M. Hagelin, B.S., J.D., LL.M., Professor of Law, Director, NYS Designated Science, Technology & Law Center and Director, Law, Technology, & Management Program
Margaret M. Harding, B.A., J.D., Professor of Law and Co-Director, Securities Arbitration Clinic
Patricia Hassett, B.A., LL.B., LL.M., Professor of Law
Elijah Huling, Jr., B.A., J.D., Visiting Professor of Law
Paula C. Johnson, B.A., J.D., LL.M., Bond Schoeneck & King Distinguished Professor of Law
Hilary K. Josephs, A.B., J.D., Ph.D., Professor of Law

https://surface.syr.edu/jilc/vol32/iss2/1
Arlene S. Kanter, B.A., J.D., LL.M., *Professor of Law and Director of Clinical Legal Education*

Gary T. Kelder, B.A., J.D., LL.M., *Professor of Law*

Charles A. Keller, B.A., J.D., *Acting Director, Criminal Law Clinic*

Deborah S. Kenn, B.A., J.D., *Professor of Law and Director, Community Development Law Clinic*

M. Louise Lantzy, B.S., M.L.S., J.D., *Professor of Law*

Laura G. Lape, A.B., M.A., J.D., *Associate Professor of Law and Dean’s Distinguished Teaching Fellow*

Darren R. Latham, *Visiting Assistant Professor of Law*

Sherman F. Levey, B.S., J.D., *Co-Director, Low Income Taxpayer Clinic*

Alma L. Lowry, B.S., J.D., M.S., LL.M., *Visiting Assistant Professor of Law*

Cynthia R. Mabry, B.A., J.D., *Visiting Professor of Law*

Robin Paul Malloy, B.S., J.D., LL.M., *Senior Associate Dean for Academic Affairs, Ernest I. White Distinguished Professor, Professor of Law & Economics*

Thomas J. Maroney, B.A., LL.B., *Professor of Law*

Janis L. McDonald, B.A., J.D., LL.M., *Associate Professor of Law*

Suzette M. Meléndez, B.A., J.D., *Acting Director, Children’s Rights & Family Law Clinic*

Robert Nassau, B.A., J.D., *Co-Director, Low Income Taxpayer Clinic*

Kathleen O’Connor, B.A., J.D., *Legal Writing Instructor*

Robert L. Palmer, B.S., J.D., *Visiting Professor of Law*

Jill M. Paquette, B.A., J.D., *Legal Writing Instructor*

Robert Odawi Porter, B.A., J.D., *Senior Associate Dean for Research, Professor of Law, Dean’s Research Scholar of Indigenous Nations Law and Director, Center for Indigenous Law, Governance & Citizenship*

Eugene R. Quinn, Jr., B.S., J.D., LL.M., *Visiting Assistant Professor of Law*

Robert J. Rabin, B.A., LL.B., LL.M., *Professor of Law*

Sarah H. Ramsey, B.A., M.A., J.D., LL.M., *Laura J. & L. Douglas Meredith Professor of Law and Director, Family Law & Social Policy Center*

Wilhelmina M. Reuben-Cooke, B.A., J.D., *Professor of Law*

Lucille Rignanese, B.A., M.P.A., J.D., *Legal Writing Instructor*

Richard S. Risman, B.A., J.D., *Legal Writing Instructor*

Michael Schwartz, M.A., J.D., LL.M., *Assistant Professor and Director, Public Interest Law Firm*

James E. Sonneborn, B.A., J.D., *Co-Director, Securities Arbitration Clinic*

Rennard J. Strickland, B.A., M.A., J.D., S.J.D., *Distinguished Visiting Professor of Law*

Roderick Surratt, B.A., J.D., *Professor of Law*

Terry Turnipseed, B.S., M.S., M.S., J.D., LL.M., *Assistant Professor*

Steven Wechsler, B.S., M.B.A., J.D., *Professor of Law*

William M. Wiecek, B.A., LL.B., Ph.D., *Congdon Professor of Public Law and Legislation*

**FACULTY EMERITI**

Peter E. Herzog, A.B., LL.B., LL.M., *Crandall Melvin Professor of Law Emeritus*

Travis H.D. Lewin, B.A., LL.B., S.J.D., *Professor Emeritus*

Richard D. Schwartz, B.A., Ph.D., *Ernest I. White Professor of Law Emeritus*