

ARIZONA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW

VOLUME 16, NUMBER 3

FALL 1999

TABLE OF CONTENTS

Page

ARTICLES

WE ARM THE WORLD: THE IMPLICATIONS OF AMERICAN PARTICIPATION IN THE GLOBAL ARMAMENTS TRADE

Lucien J. Dhooge 577

This paper examines the international operations of the American defense industry. The paper first examines the history of U.S. military spending and armaments exports including congressional and executive policies and economic forces driving the armaments market. The paper then examines the international armaments marketplace with particular emphasis upon U.S. exports to leading customers in the Middle East, East Asia, Western Europe, and Latin America. Finally, the paper analyzes the consequences resulting from the unfettered flow of armaments from the United States including implications relating to human rights, democratization, regional tensions, nonproliferation, and economic development. The paper concludes that American participation in the global armaments trade is inconsistent with the causes of human rights, democratization, nonproliferation, and economic development and serves to inflame regional tensions. The paper calls for the undertaking of numerous actions to alleviate these consequences including the adoption of an enhanced regulatory and reporting regime, the end of subsidization of the domestic armaments industry, and the adoption of a code of conduct establishing criteria for future armaments exports.

UNITED STATES-JAPAN ECONOMIC DISPUTES: THE ROLE OF ANTIDUMPING AND COUNTERVAILING DUTY LAWS

Terence P. Stewart 689

This article reviews the history and purposes of antidumping and countervailing duty laws, looking at the causes of dumping, such as closed home markets, structural excess capacity, and imperfect

competition, as well as at the reasons why governments subsidize. The article reviews how the new WTO antidumping and subsidies agreements will affect the ability of industries to bring and successfully prosecute antidumping and countervailing duty cases. The article further examines the role that antidumping and countervailing duty laws have played in resolving economic disputes between the United States and Japan, explaining the infrequency of countervailing duty actions and the historical relevance of antidumping duty actions brought against Japan. Finally, the article reviews the relation of trade (antidumping) and competition (antitrust) laws, their independent objectives, and the separate policies that each attempts to promote, concluding that antidumping laws should not be replaced by antitrust laws because antidumping laws are superior at promoting rational resource allocations between countries.

THE DUTY TO RESCUE AND THE EXODUS META-NARRATIVE OF JEWISH LAW

Sheldon Nahmod

751

This author analyzes the affirmative duties of the individual and the community to rescue under Jewish law and compares them to the no-duty rules under American common law and constitutional law. He argues that the Jewish law of rescue cannot be understood in isolation from the meta-narrative of Jewish law contained in the Book of Exodus that tells of the descent of the Jewish people into slavery in Egypt and of their ultimate redemption by God. This meta-narrative, together with the Biblical injunction to imitate God (*imitateo dei*), grounds the Jewish legal duty to rescue.

A GENERAL COMPARATIVE OVERVIEW OF TRADEMARK REGULATIONS BETWEEN THE UNITED STATES AND PARAGUAY

Alejandro Guanes-Mersan

775

This article develops a general overview of trademark legal regulation by comparing the United States and Paraguay from a national and international perspective, including a brief historical review and the underlying congressional role in protecting intellectual property rights. This article highlights how the most relevant international agreements, such as the Paris Convention for the Protection of Industrial Property and the Agreement on Trade Related Aspects of Intellectual Property, have been capable of drawing, during the last century, a standardized legal framework applicable worldwide. In addition, the article assesses different methods for trademark application and the general rules governing international filings, as well as the existing different approaches to

establish trademark rights. Special consideration is given to the legal framework for the protection of well-known trademarks and to the new Paraguayan environment for protecting and enforcing trademark rights, after the passage of the recently enacted Trademark Law, by highlighting its most important provisions.

NOTES

HEARING AFGHAN WOMEN'S VOICES: FEMINIST THEORY'S RE-CONCEPTUALIZATION OF WOMEN'S HUMAN RIGHTS

Shefali Desai

805

This paper utilizes feminist theory and human rights law to analyze the asylum claim of an Afghan woman who fled gender prosecution in Taliban-controlled Afghanistan and came to the United States in 1996. The paper explores the limits of universal human rights standards and cultural relativism when applied to international women's human rights and puts forth a feminist alternative to the either/or debate of universalism versus cultural relativism. Employing feminist theory's re-conceptualization of women's human rights to an Afghan woman's asylum claim illuminates the necessity for a multi-layered, multi-voiced category "woman" and underscores the importance of listening to Third World women's voices.

FROM *PARENS PATRIAE* TO CRIME CONTROL: A COMPARISON OF THE HISTORY AND EFFECTIVENESS OF THE JUVENILE JUSTICE SYSTEMS IN THE UNITED STATES AND CANADA

Amy M. Thorson

845

Media coverage of recent events like the school shooting in Colorado has heightened awareness of the issue of juvenile crime. This note argues that this growing concern over the problem has fueled a trend towards a more punitive and less rehabilitative attitude toward dealing with youthful offenders. Politicians and the public increasingly share a "do adult crime, do adult time" attitude. The author examines the development of the juvenile justice system in the United States and Canada over the last one hundred years and evaluates the effectiveness of traditional methods of dealing with the problem. Alternative approaches are also examined because the note concludes that current methods are not having the desired effect of lowering the juvenile crime rate.

ARIZONA JOURNAL OF INTERNATIONAL
AND COMPARATIVE LAW

EDITORIAL BOARD 1999-2000

Editor in Chief
DAWN C. VALDIVIA

Senior Managing Editor
AMY PIGNATELLA CAIN

Senior Articles Editor
MATTHEW J. BLECHER

Managing Editors
JENNA F. KARADBIL
AMY M. THORSON

Articles Editors
MARY JO SHELDON-DiVITO
PATRICK J. DOOLEY

Research & Development Editor
CHERYL BUCHANAN

Business Editor
MICHELLE L. KOVAL

Public Relations Editor
ROBERT SAVAGE

SHEFALI DESAI
GABE GALANDA

Note & Comment Editors
SUSANNE B. GARDNER
BRENDAN FRIGAULT

JOHN M. LING
PAUL SULLIVAN

ERIK BAKKEN
IRENE CHANG
CHRISTOPHER CRAFT
RONA KAUFMAN

Third Year Writers
HUCK KWON
KEN LEMKE
DENISE QUINTERRI

ANTHONY TRUJILLO
STEPHEN TUNNEY
MARI LYNN WORMAN
DORI ZAVALA

THOMAS BARNARD
GRANT BURTON
JENNIFER BURNS
JESSICA COUSINEAU
MEGAN ESHBAUGH
LINDSAY FRANKE
STEVE HAUSER
JUSTIN HORWITZ
CHRIS JENKS

Second Year Writers
DOUGLAS S. JOHN
CRAIG LACHANCE
ELISABETH LASHBROOK
GRACE LEE
CHARITY A. MARR
JOHN MATTER
MICHAEL MCCOY
TERRA MESSMER
SARAH MOLZOW

PHILIP G. MUELLER
TAYLOR NGUYEN
JOHN OSTERMAN
MYRA PARKER
JOHN PRO
ELIZABETH TOWNSEND
JONATHAN WALLACK
JESS F. WALSH
BRANDON WILLIAMS

Faculty Advisor
DAVID A. GANTZ