
SYRACUSE JOURNAL OF INTERNATIONAL LAW AND COMMERCE

SYRACUSE UNIVERSITY COLLEGE OF LAW

ARTICLES

On the Problem of Utilizing Unilateral Action to Prevent Acts of Sea Piracy and Terrorism: A Proactive Approach to the Evolution of International Law

*Leticia Diaz
and Barry Hart Dubner*

The Legal Implications of Living with HIV/AIDS in a Developing Country: The African Story

Florence Shu-Acquaye

The Evolving Law on the Eurobank-Customer Relationship and the Common Law: The Need for Clarity

Edmund M.A. Kwaw

NOTES

America's Struggle to Develop a Consistent Legal Approach to Controversial Human Embryonic Stem Cell Research and Therapeutic Cloning: Are the Politics Getting in the Way of Hope?

Melissa S. Burchell

The Police Powers: A Pretext for Protectionism?

David M. Nelson

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. OLMSTEAD
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*

SYRACUSE JOURNAL OF INTERNATIONAL LAW AND COMMERCE

SYRACUSE UNIVERSITY COLLEGE OF LAW

CONTENTS

ARTICLES

- On the Problem of Utilizing Unilateral Action to Prevent Acts of
Sea Piracy and Terrorism: A Proactive Approach to the Evolution of
International Law
Leticia Diaz and Barry Hart Dubner 1
- The Legal Implications of Living with HIV/AIDS in a Developing
Country: The African Story
Florence Shu-Acquaye 51
- The Evolving Law on the Eurobank-Customer Relationship and the
Common Law: The Need for Clarity
Edmund M.A. Kwaw 87

NOTES

- America's Struggle to Develop a Consistent Legal Approach to
Controversial Human Embryonic Stem Cell Research and
Therapeutic Cloning: Are the Politics Getting in the Way of Hope?
Melissa S. Burchell 133
- The Police Powers: A Pretext for Protectionism?
David M. Nelson 163



Cite as: 32 SYRACUSE J. INT'L L. & COM.

ISSN 0093-0709

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 © 2004 *Syracuse Journal of International Law and Commerce*. All rights reserved.

SYRACUSE JOURNAL OF INTERNATIONAL LAW AND COMMERCE

SYRACUSE UNIVERSITY COLLEGE OF LAW

2004-2005 Editorial Board

Editor in Chief
Kristoffer P. Kiefer

Managing Editor
Archena Bhalla

Notes & Comments Editors
Suzzane J. Halloran
Carey Kulp

Lead Articles Editors
Pooja Sethi

Executive Editors
Jesse M. Endler

Form & Accuracy Editors
Samuil Buschkin
Melissa S. Burchell
Trista Famoly
Christopher M. Pisacane

Business Editor
Lynee A. Hicks

Third Year Associate Editors

Demian M. Casey
Becki D. Graham

Jessica L. Indingaro

David M. Nelson
Nicole C. Nicolaus

Second Year Associate Editors

Meredith Benoit
Liza Camellerie
Charles K. Chang
Adam Combies
Elizabeth Cook
Andrew Costello
Susan L. Dahline
Suzanne E. Eddy

Daniel Fitzgerald
Richard Gruber
Charles Kaser
Sean Kasowitz
Cindy S. Kui
Elizabeth G. Land
Katherine Lyons
W. Carson McLean
Nicole Schultz-Price

Sarah C. Santiago
Douglas A. Saphire
Eric Sarabia
Sheila Schwallie
Craig Standish
Robert H. Trudell
Samuel Williams
Jennie Workman

Faculty Advisors
Donna E. Arzt
M. Louise Lantzy

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., LL.M., *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*

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*