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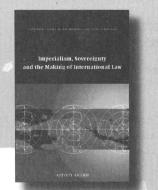
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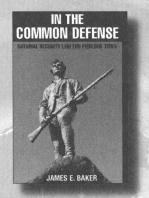
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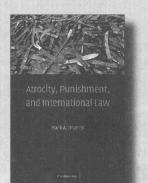
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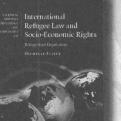
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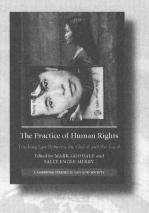
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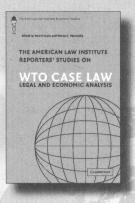
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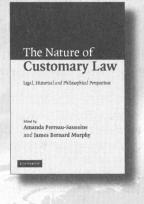
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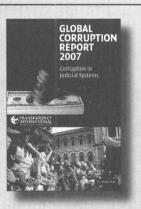
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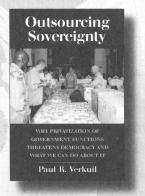
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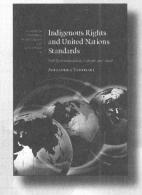


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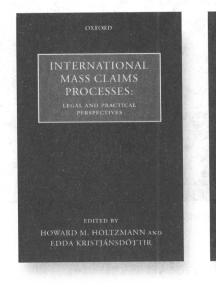
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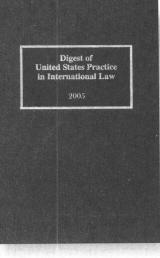


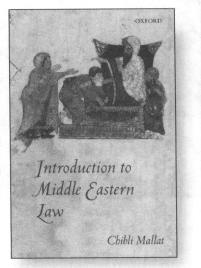
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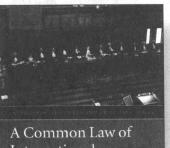
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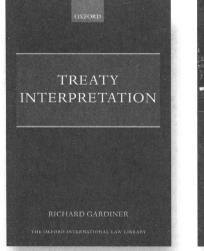
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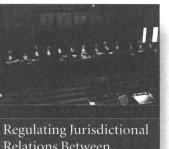
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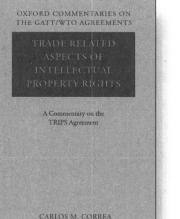
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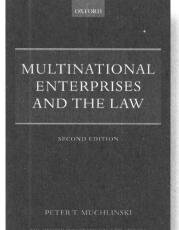
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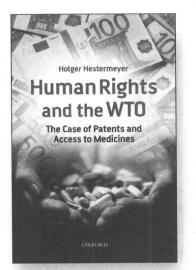
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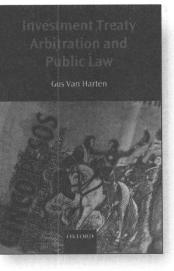
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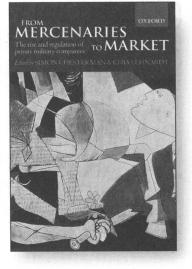
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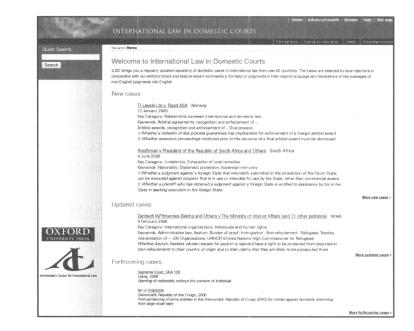
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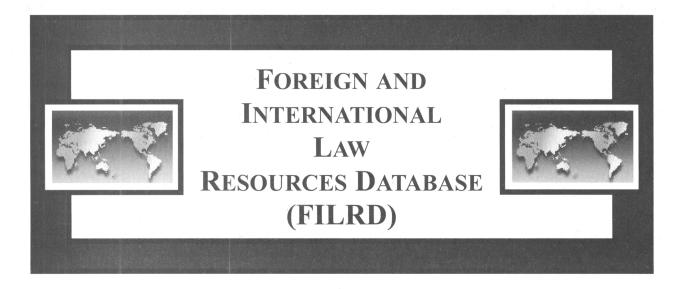
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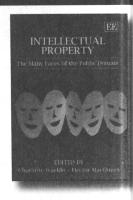


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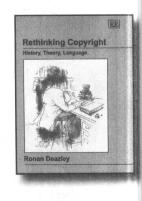
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# Foreword

From its beginning, the Society established as one of its primary functions the regular collection, publication, and dissemination of important international legal materials. These materials were first published as a section of the *American Journal of International Law*, and since the 1960s as the current stand-alone *International Legal Materials* publication. The publication met a critical need in that earlier era — when access to primary source legal materials was limited. Today, access to information is no longer a problem. Indeed, our challenge is too much information. And therein we find a continuing mission for *International Legal Materials*.

The dramatic growth in the international legal field makes it nearly impossible for scholars and practitioners — let alone the general public — to keep abreast of the most important international legal developments. Fortunately they can rely on our staff and Editorial Advisory Committee to sift through the vast array of documents, identify those that are truly significant, and highlight them in *International Legal Materials* and our bi-monthly electronic bulletin, *International Law in Brief.* The Society's periodic *ASIL Insights* provide additional analysis of particularly high-profile developments.

Beginning in 2007, we are supplementing all documents published in *International Legal Materials* with an introductory note from one of the many experts ASIL counts among its members. These notes will provide summaries of the documents and key insights into their significance. This month's collection features notes by Charles Mooney, Hal Burman, Mark Kantor, Chuck Michel, Viren Mascarenhas, Bruce Zagaris, Stephanie Farrior, Rakhee Vemulapalli, David Stewart, Charles Owen Verrill, Kevin Futch, and Holly Koehler. We are extremely grateful to these authors, and we are confident that you will value their contributions as well.

Please send us your comments and suggestions as we continue our efforts to meet the evolving needs of the international legal community.

Sincerely,

Elizabeth Andersen Chair Editorial Advisory Committee International Legal Materials

# INTERNATIONAL LEGAL MATERIALS®

# Note from the Managing Editor

This volume of *International Legal Materials* presents a rich diversity of international law documents. Two of the documents discuss the extra-territorial application of jurisdiction, albeit in quite different contexts: the House of Lords decision Al-Skeini v. Secretary of State addresses the possible applicability of the UK Human Rights Act to British soldiers for the killing of Iraqi citizens in Basra; while the High Court of Canada decision in R. v. Hape examines it in the context of the constitutionality of searches and seizures that the Royal Canadian Mounted Police conducted in the Turks and Caicos. The United States Supreme Court Foreign Sovereign Immunities Act decision Permanent Mission of India to the United Nations v. New York, is intriguing both because Justice Thomas penned it, and because of its broader possible ramifications in the area of taxation of international organizations. The European Court of Human Rights judgment, Behrami v. France, in which the court held that it lacks the competence under the European Convention on Human Rights to examine states' contributions in Kosovo in fulfillment of their duties pursuant to a UN Security Council Chapter VII resolution, raises fascinating, and at times troubling issues regarding the inter-relationship of international organizations.

This volume of *International Legal Materials* provides twelve introductory notes to the legal texts, and I would like to thank all of the authors who took time away from their summer to write a piece for us. I am particularly grateful to the contributions from the members of the Editorial Advisory Board who wrote introductory notes for this volume: David Stewart, Charles Owen Verrill, and Bruce Zagaris. Two introductory note authors: Kevin Futch, and Rakhee Vemulapalli, served as legal interns on the *International Law in Brief* at ASIL this summer, and their work demonstrates that we have much to anticipate from the future generation of international lawyers.

Susan A. Notar Washington, D.C. August 24, 2007

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*International Legal Materials* is a core publication of The American Society of International Law that reproduces texts of documents reflecting the broad scope and evolution of international law. The range of covered subjects has expanded from traditional topics such as international organizations, jurisdiction, and international trade to include developments in fields such as intellectual property, environmental law, nuclear non-proliferation, human rights, and international criminal law.

International Legal Materials serves as both a bi-monthly information service and a widely recognized archive of international law documents for a diverse, global community of legal scholars, government officials, private practitioners and institutions sharing a common interest in international law. To meet the varied demands of such a readership, documents are selected from world-wide sources on the basis of their present and future legal significance.

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