

INTERNATIONAL LEGAL MATERIALS

Statement of Editorial Policy

International Legal Materials, a core publication of the American Society of International Law, reproduces the significant documents representing the diverse nature of international law. These documents range from traditional international law topics such as trade, jurisdiction, and maritime law, to contemporary developments such as environmental law, women's rights, war crimes, and transborder electronic commerce.

International Legal Materials serves a global readership of legal scholars, government officials, and private practitioners who share a common interest in the law. Consequently documents are selected from world-wide sources on the basis of their present and future legal significance. Purely political or issue-advocacy documents are excluded, as are draft laws, unless they are part of an ongoing process of legal codification, or will soon appear in a final form which is substantially the same as the draft.

International Legal Materials serves a dual function — to inform readers about important trends in the law, and to provide a lasting archive of documents in a widely recognized and citable form. Most documents include a content summary permitting quick access to articles or sections within the text. In addition, many documents include an Introductory Note written by an expert in that area of the law. In order to ensure publication of materials at the forefront of international legal discourse, all documents are reproduced from the best available source, whether obtained electronically or in traditional printed form. Translations are usually unofficial and should not be considered authoritative, unless otherwise indicated.

International Legal Materials is compiled with the assistance of its Corresponding Editors around the world and is collected and prepared for publication in Washington, D.C. by a staff of attorney/editors acting with the advice of the Editorial Advisory Committee.

Volume XXXVII reflects advances in our method of production designed to help ensure timely publication and presents a new format designed to improve readability. A great deal of thought and care have been expended in providing the quality of publication you have grown to expect, while making use of technological advances that were simply not available when *ILM* debuted in 1962. We look forward to continuing to do our best for you.

Readers are invited to send comments to:

David A. Levy, Esq.
Interim Editor
International Legal Materials
American Society of International Law
2223 Massachusetts Avenue, NW
Washington, DC 20008

International Legal Materials (ISSN 0020-7829) is published bimonthly (January, March, May, July, September, November) by The American Society of International Law, 2223 Massachusetts Avenue, NW, Washington, DC 20008-2864. The subscription rate for nonmembers of the Society in the U.S. is \$190; outside the U.S., \$250 (airmail delivery). The rate for Society members in the U.S. is \$95; outside the U.S., \$155 (airmail delivery). Subscriptions are on a calendar year basis.

Indexes and Back Issues

An annual table of contents and an annual index are carried in the November issue of each volume. Cumulative Indexes are available from *International Legal Materials* for the following periods: 1962-1969 at \$45, 1970-1979 at \$55, and 1980-1989 at \$60.

International Legal Materials is also indexed by ABC POL SCI, IBZ-International Bibliography of Periodical Literature, Marine Affairs Bibliography, and Public Affairs Information Service.

All back issues are available. Volumes 24 (1985) to date are available directly from *International Legal Materials*. Volumes 1-23 (1962-1984) are available from William S. Hein & Company, 1285 Main Street, Buffalo, N.Y. 14209-1987, toll-free (800) 828-7571. Single issues are \$45 for nonmembers; \$38 for members. Complete volumes (six issues) are \$225 for nonmembers; \$188 for members.

Online Access and Microfiche

International Legal Materials is online through LEXIS@/NEXIS@, P.O. Box 933, Dayton, OH 45401-0933, toll-free (800) 227-9597; and WESTLAW@, 620 Opperman Dr., Eagan, MN 55123-1396, toll-free (800) 937-8529.

Complete sets and odd volumes of *I.L.M.* are available on microfiche from William S. Hein & Company, 1285 Main Street, Buffalo, N.Y. 14209-1987, toll-free (800) 828-7571.

Shipping/Handling Charges

The price of subscriptions includes the cost of postage. Orders for back issues and indexes require an additional 20 percent of the total amount to cover postage and handling.

Change of Address, Claims and Correspondence

Please inform the Services Group of a change of address in writing at least 60 days prior to moving in order to assure uninterrupted receipt of *I.L.M.* Your post office will not automatically forward your subscription. Claims for undelivered issues must be made in writing within 3 months of the publication date.

All correspondence regarding subscriptions, back issues, and cumulative indexes should be addressed to:

Services Group
American Society of International Law
2223 Massachusetts Avenue, NW
Washington, DC 20008-2864
Telephone (202) 939-6000
Fax (202) 797-7133
<http://www.asil.org>
<services@asil.org>

Advertising

Inquiries about rates and specifications should be directed to Kattie Lee, Marketing Coordinator, at the above address.

Authorization to Photocopy

Authorization to photocopy items for internal or personal use (beyond that permitted by Sections 107 and 108 of the U.S. Copyright Law), or for the internal or personal use of specific clients, is granted by the American Society of International Law for users registered with the Copyright Clearance Center (CCC) Transactional Reporting Service, provided that the base fee of \$10 per copy, plus 25¢ per page is paid directly to CCC, 222 Rosewood Drive, Danvers, MA 01923-4510. For those organizations that have been granted a photocopy license by CCC, a separate system of payment has been arranged. The fee code for users of the Transactional Reporting Service is: 0020-7829/98 \$10.00 + .25. Educational copying is permitted. Please address requests to CCC Academic Permission Service: (978) 750-8400; fax (978) 750-4744.

Periodicals postage paid at Washington, DC. and additional mailing offices. POSTMASTER: Send address changes and returns to *International Legal Materials*, 2223 Massachusetts Avenue, NW, Washington, DC 20008-2864. Return postage guaranteed.

© American Society of International Law 1998

INTERNATIONAL LEGAL MATERIALS

Guidelines for Submission of Documents and Introductory Notes

Submission of Documents

Readers are invited to submit documents that would be of interest to the international legal community. *International Legal Materials* reproduces the official text of a document whenever possible; if the official version is not available in English, an unofficial translation is acceptable. The original language text must accompany unofficial English translations. The source of the document, e.g., a government department, a court, an embassy or an official gazette, should be clearly identified.

Submission of Introductory Notes

Readers are also invited to submit brief Introductory Notes to accompany documents in *I.L.M.* Introductory Notes are intended to provide background information for the document they accompany. They should be objective, without judgmental commentary. For example, Introductory Notes for treaties might include a short history of the negotiations, the dates of signature and entry into force; for legislation, its history and international significance; for judicial proceedings, the background of the case and a citation to the full text in the original language; for reports and other documents, background information as to the document's significance. If within the text of the document there are references to other documents, their relevance should be briefly explained in the Introductory Note.

Format

Introductory Notes should be between 750 and 1250 words in length. Both Introductory Notes and unofficial translations should be typed single-spaced with double-spacing between paragraphs. Authors and translators may send an additional copy of their submission on an IBM-compatible diskette. *I.L.M.* uses WordPerfect.

A statement giving the author's name, title, address, telephone and fax numbers must accompany all submissions.

Acceptance of Materials and Corrections

Submissions cannot be returned. Authors and translators will be notified of the acceptance of their Introductory Note or translation as soon as possible. Once a submission has been accepted for reproduction, the American Society of International Law will send the author or translator a Publication Agreement. Authors and translators will be acknowledged in *I.L.M.*

In some cases minor editorial or typographical alterations may be made without contacting author or translator. Major corrections will be sent to the author or translator for approval. Corrected Introductory Notes or translations should be returned as soon as possible.

Contributions and Correspondence

Please address all correspondence to:

David A. Levy, Interim Editor
International Legal Materials
2223 Massachusetts Avenue, NW
Washington, DC 20008-2864
Telephone: (202) 939-6036
Fax: (202) 797-7133
E-Mail: david.levy@his.com

David A. Levy
Assistant Editor
Elizabeth J. Fabrizio
Assistant Editor for Content Summaries
Samuel W. Bettwy
Legal Interns
Chad Bierman
Carlos A. Calderin

Editorial Advisory Committee

Charlotte Ku, Chair
Christina M. Cerna
Cecil Hunt
Mark R. Joelson
Charles R. Johnston
Richard H. Kreindler
Michael T. Peay
Antonio Fidel Perez

Nancy L. Perkins
Peter H. Pfund
Maurice Wolf
Nassib G. Ziadé

Members Emeriti
John Lawrence Hargrove
Seymour J. Rubin

Individuals Assisting as Corresponding Editors

Evelina Teubal Alhadeff (Argentina)
David J. Attard (Malta)
Jean-François Bellis (European Communities)
Gian Luca Burci (United Nations)
William E. Butler (Commonwealth of Independent States)
James H. Carter (New York)
Sudhir K. Chopra (India)
Carl Q. Christol (Outer Space and Telecommunications)
John P. Cogan, Jr. (Houston)
Georges R. Delaume (International Arbitration)
John R. Dugard (Southern Africa)
Carlos A. Esplugues (Spain)
Richard I. Fine (Los Angeles)
Dencho G. Georgiev (Bulgaria)
Francesco Gianni (Italy)
Heribert Golsong (International Investment)
Moritaka Hayashi (Law of the Sea)
Jean-Marie Henckaerts (International Committee of the Red Cross)
Krateros M. Ioannou (Greece)
Larry D. Johnson (International Atomic Energy Agency)
Sami Kallel (Maghreb)
Lee A. Kimball (Environment)
Kenneth Klein (International Taxation)
Peter Lambert (Austria)
Karin Landgren (UNHCR)
Arnold H. Leibowitz (Immigration)
Frankie F.L. Leung (Hong Kong)

John Linarelli (International Public Procurement)
Boldizsár Nagy (Hungary)
Michael O'Boyle (European Court of Human Rights)
John R. Pate (Andean Group)
Charles H. Poncet (Switzerland)
Amelia B. Porges (World Trade Organization)
Maurizio Ragazzi (World Bank)
Douglas D. Reichert (Iran-United States Claims Tribunal)
Philip Sacks (Australia)
Ewa Salkiewicz (Poland)
Gerald S. Schatz (Antarctica)
Richard F. Scott (International Energy Agency)
Henri Smets (OECD)
Brigitte Stern (France)
Sompong Sucharitkul (Southeast Asia)
Jiri Toman (Law of War)
Anne M. Trebilcock (International Labour Organisation)
Antônio Augusto Cançado Trindade (Brazil)
Gaby Tubach (Council of Europe)
Jorge A. Vargas (Mexico)
Manuel E. Ventura-Robles (Inter-American Court of Human Rights)
T.W. Wälde (Natural Resources & Energy Law)
Rebecca M. M. Wallace (United Kingdom)
Gerhard H.O. Wegen (Germany)
Yozo Yokota (Japan)
Isidoro Zanotti (Organization of American States)
Nassib G. Ziadé (Middle East)

INTERNATIONAL LEGAL MATERIALS

— Contents —

Cumulative Table of Contents for Volume XXXVII	vii
--	-----

TREATIES, AGREEMENTS, AND RELATED DOCUMENTS

Israel-PLO: The Wye River Memorandum Text	1251
British Columbia-Nisga'a Nation: Nisga'a Final Treaty Agreement Text of Agreement (selected sections)	1258
Russia-U.S.: Agreement Between the Government of the United States of America and the Government of the Russian Federation on Scientific and Technical Cooperation in the Management of Plutonium that has been Withdrawn from Nuclear Military Programs Text	1296

JUDICIAL AND SIMILAR PROCEEDINGS

U.K. House of Lords: <i>Regina v. Bartle and the Commissioner of Police for the Metropolis, Ex parte Pinochet</i> Text of Decision	1302
Supreme Court of Canada: <i>Reference re Secession of Quebec</i> I.L.M. Content Summary	1340
Text of Decision	1342
International Centre for Settlement of Investment Disputes (ICSID) <i>Fedax N.V. v. Republic of Venezuela</i> - Decision of the Panel on Objections to Jurisdiction Text of Decision	1378
International Centre for Settlement of Investment Disputes (ICSID) <i>Fedax N.V. v. Republic of Venezuela</i> - Award Text of Award	1391
International Criminal Tribunal for Rwanda: <i>The Prosecutor v. Akayesu</i> I.L.M. Content Summary	1399
Text of Decision	1401
International Criminal Tribunal for Rwanda: <i>The Prosecutor v. Kambanda</i> I.L.M. Content Summary	1411
Text of Decision	1413
U.S. Court of Appeals for the Second Circuit: <i>Itar-Tass Russian v. Russian Kurier, Inc.</i> I.L.M. Content Summary	1427
Text of Decision	1428

<i>WTO Panel Report: European Communities - Measures Affecting the Importation of Certain Poultry Products</i>	
I.L.M. Content Summary (findings and conclusions)	1439
Text of Judgment	1441
<i>WTO Appellate Body Report: European Communities - Measures Affecting the Importation of Certain Poultry Products</i>	
Text of Report (findings and conclusions)	1463
REPORTS AND OTHER DOCUMENTS	
International Court of Justice: Response of the International Court of Justice to General Assembly Resolution 52/161 of 15 December 1997	
Text of the Response	1466
Institut de Droit International: Responsibility and Liability under International Law for Environmental Damage	
Introductory Note by Francisco Orrego Vicuña	1473
Text	1474
United Nations ECOSOC: Guiding Principles on Internal Displacement	
Text	1482
1998 U.S. TREATY ACTIONS	1493
OTHER DOCUMENTS RECEIVED (Not Reproduced)	1506
INDEX TO VOLUME XXXVII	1509

Editor's Note

This issue includes human rights decisions which contain descriptions of events that may be disturbing to readers.

VOLUME XXXVII • NUMBER 6 • NOVEMBER 1998