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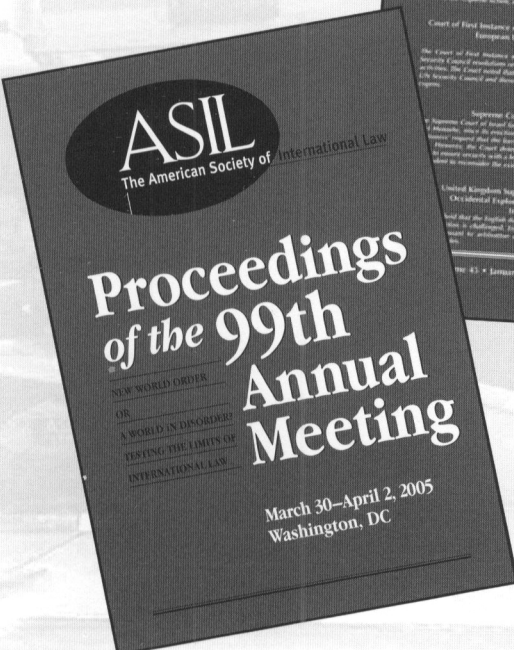
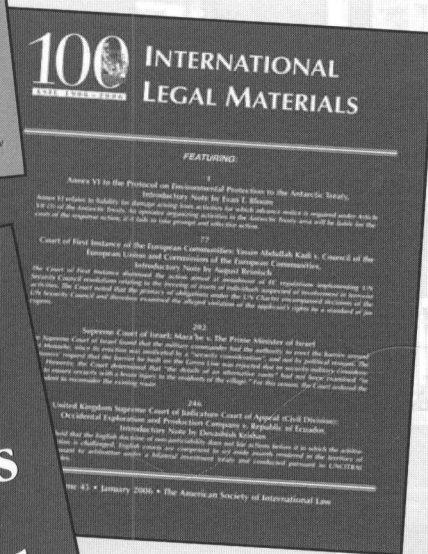
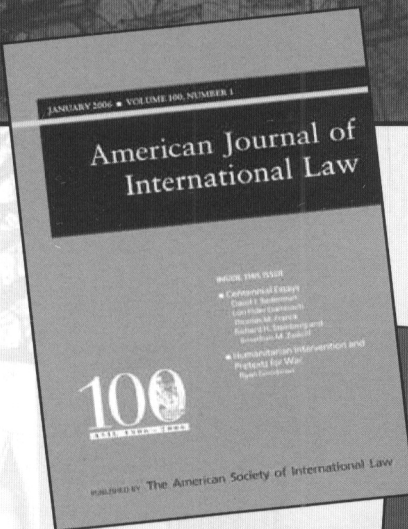
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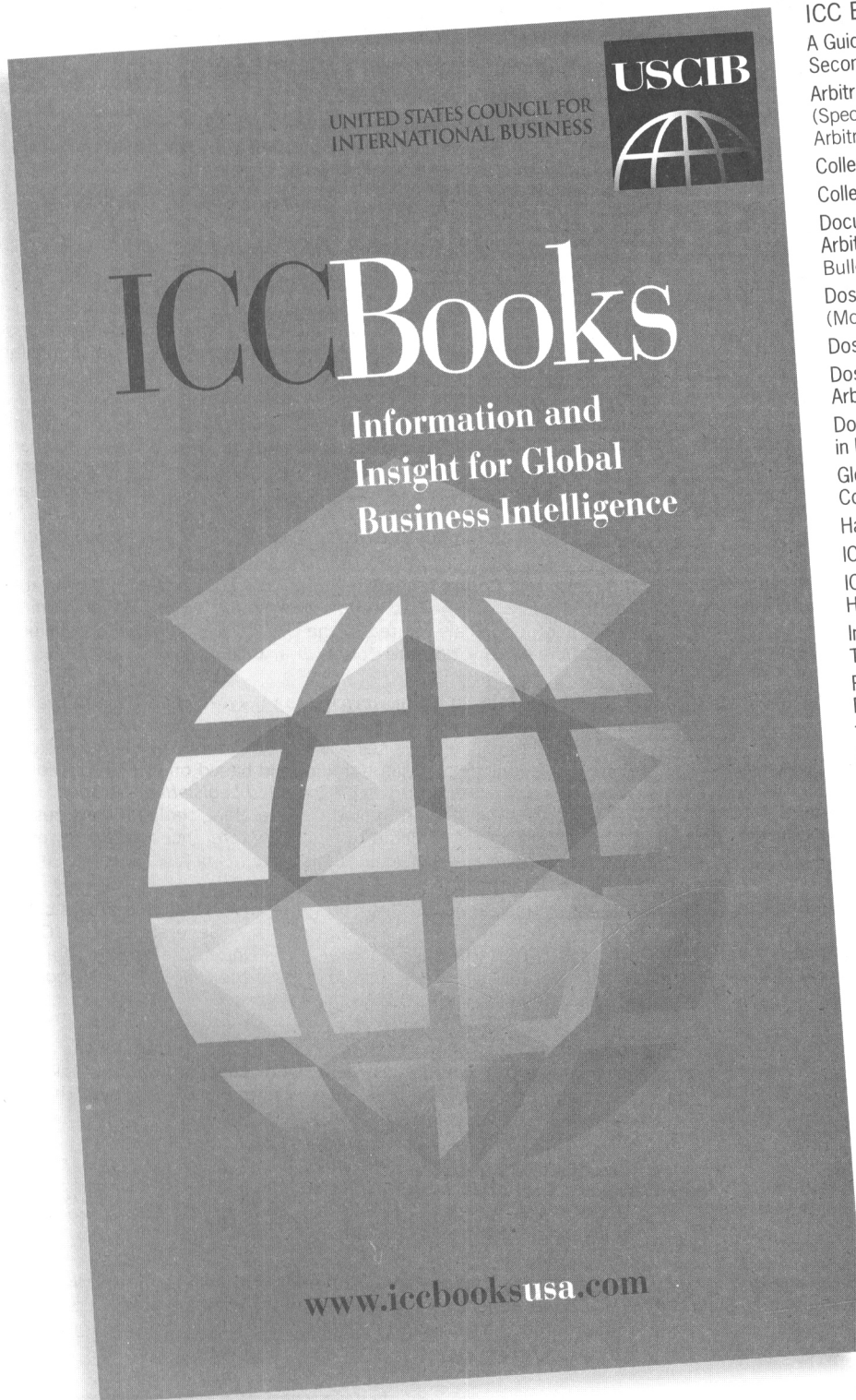
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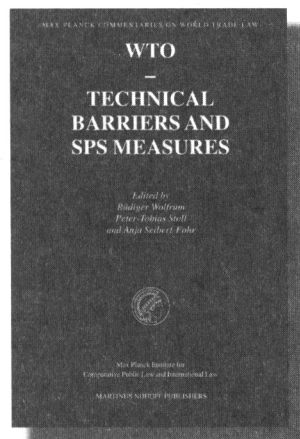
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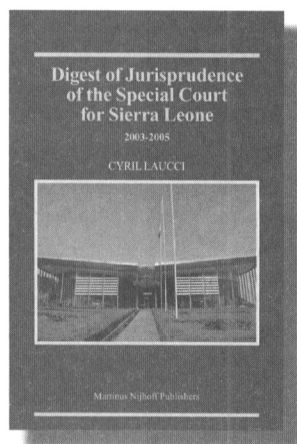


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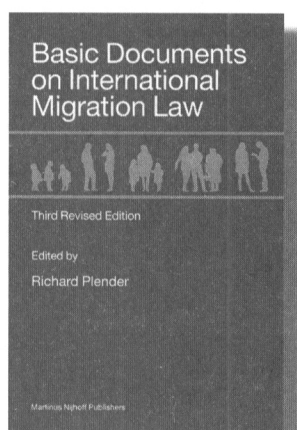


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Edited by Richard Plender



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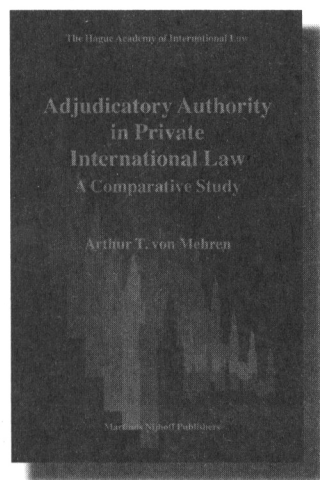
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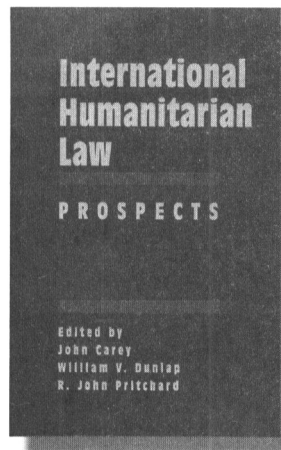
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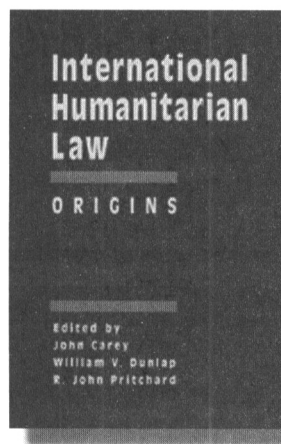
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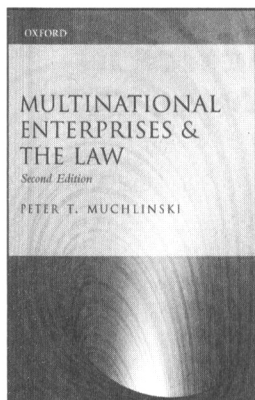
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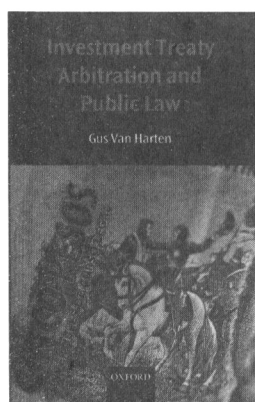
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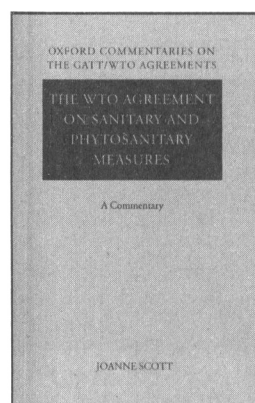
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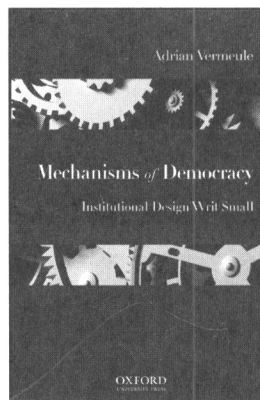
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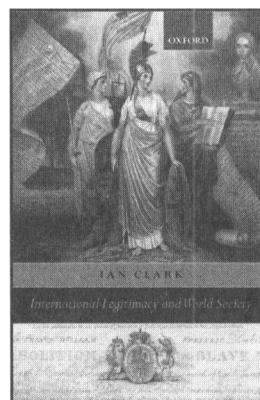
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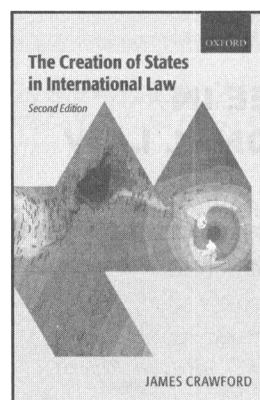
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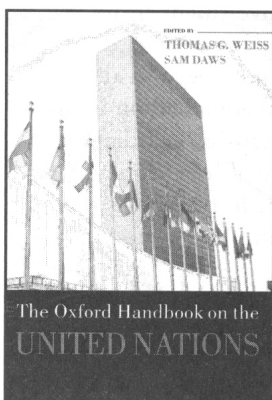
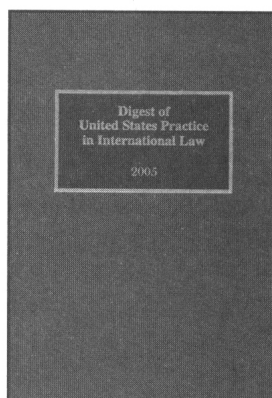
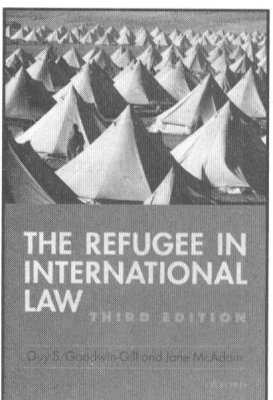
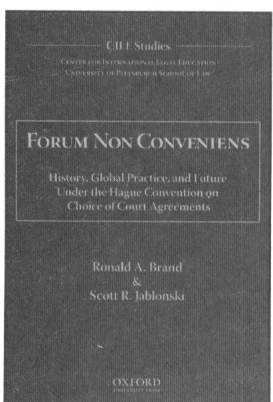
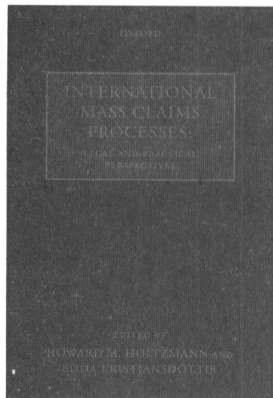
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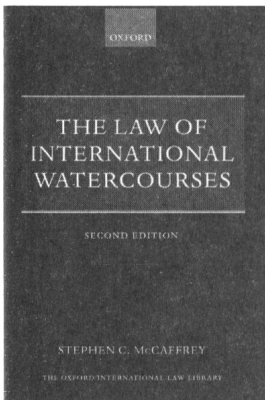
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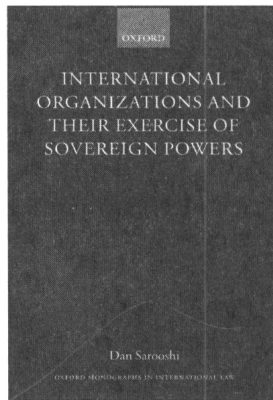
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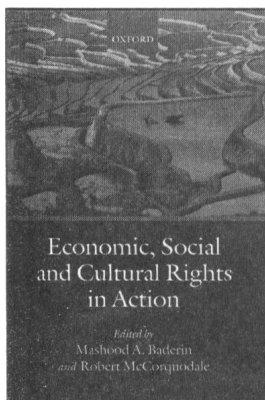
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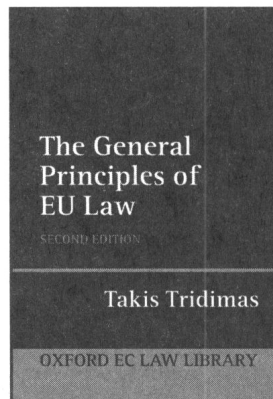
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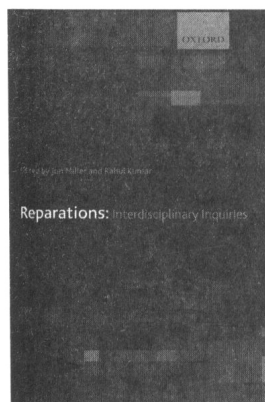
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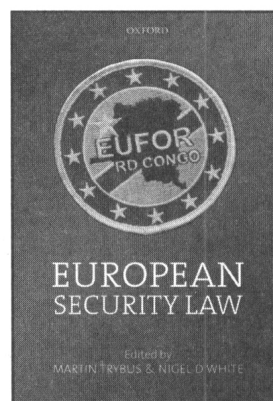
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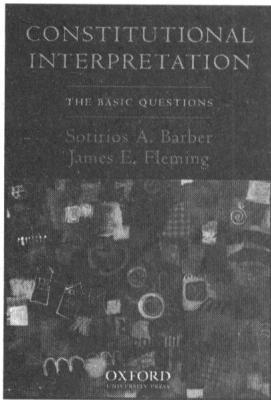
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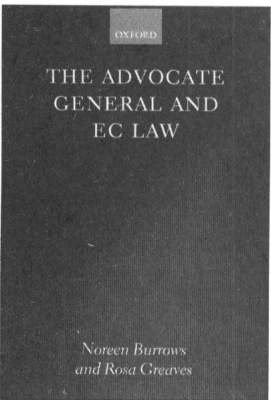
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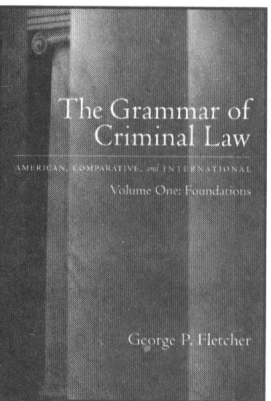
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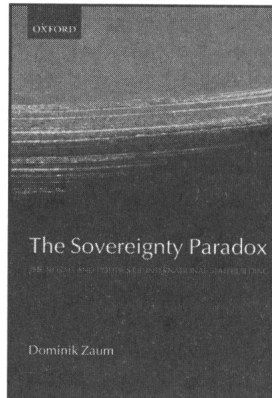
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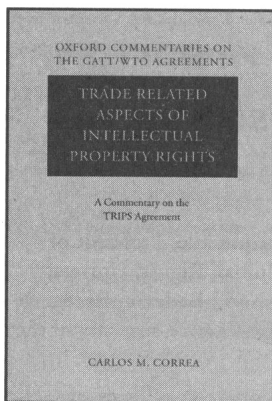
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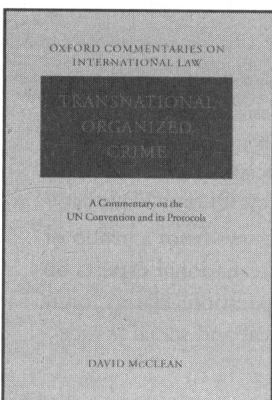
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By universal recognition of the prime meridian and Greenwich Mean Time (via international agreement at the International Meridian Conference in 1884). The latter was updated to "universal time" in 1928, and subsequent technical agreements have refined the definition further.

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By ensuring a truly universal postal network and recognizing that specified postal rates in one country would satisfy delivery requirements in all countries (the Constitution of the Universal Postal Union, 1964).

3 Driving cars with improved safety standards.
By adopting global safety standards for automobiles, notably the Agreement Concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment, and Parts Which Can Be Fitted and/or Used on Wheeled Vehicles (1998).

4 Being able to call Arkansas, Missouri, or most of Montana home.
As the result of the bilateral treaty known as the Louisiana Purchase (1803).

5 Placing and receiving telephone calls worldwide.
By creating an international communication network and by reaching an international agreement preventing national claims to the geostationary orbit. See the 1865 Constitution of what is now called the International Telecommunications Union, the oldest intergovernmental organization, and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (UN Space Treaty, 1967).

6 Knowing that a second is the same length of time everywhere in the world.
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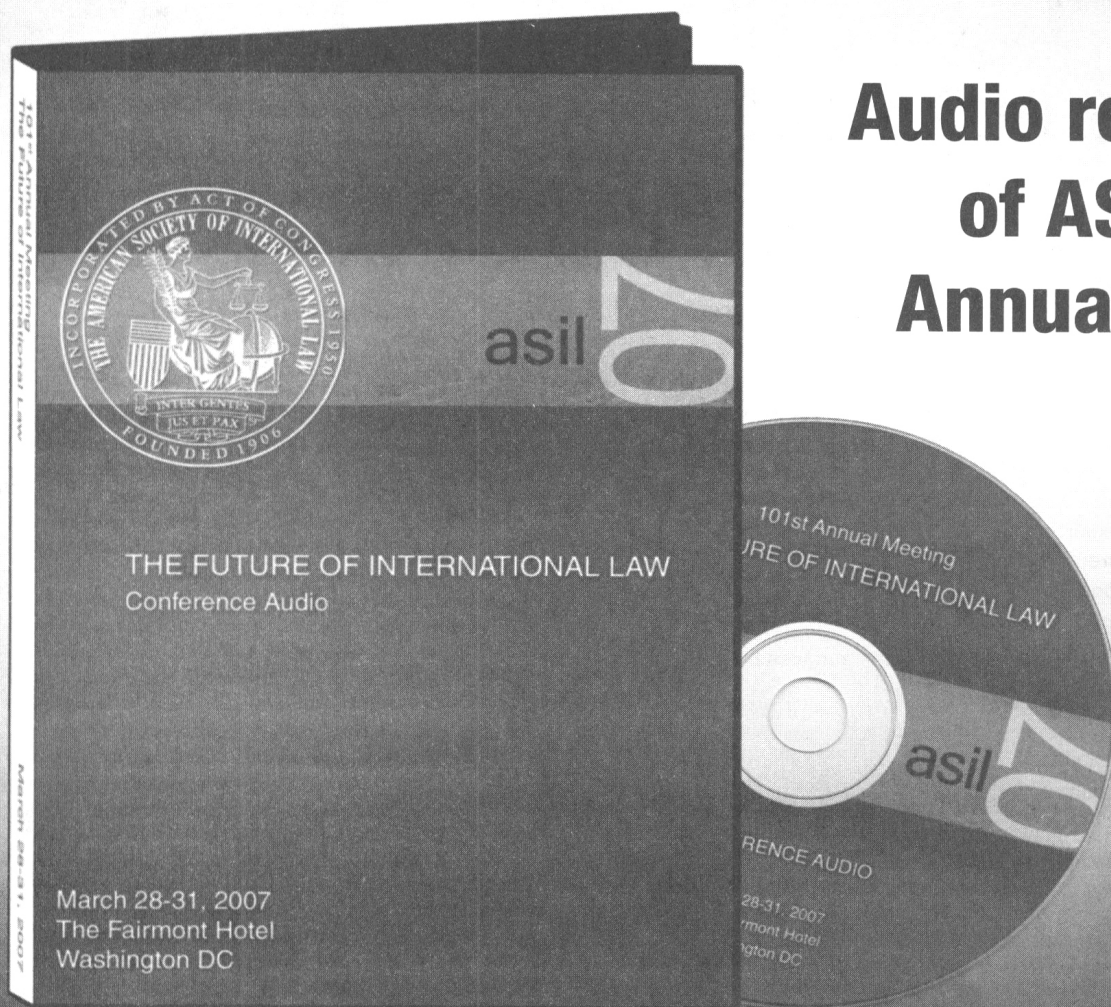
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Foreword

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 this spring, we will supplement 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 Marit Rasmussen, Oliver Lewis, Charles Hunnicutt, Susan Notar, Dennis Mandsager, David Scheffer, Saul Lehrfreund, Charles H. Brower, II, William Slomanson, and Saira Mohamed. 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

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Note from the Managing Editor

This volume of *International Legal Materials* includes a wide array of critical international law developments in the fields of humanitarian law, human rights, criminal law, aviation, and investment arbitration. It includes a letter from John Bellinger III, Legal Adviser, U.S. Department of State, and William J. Haynes, General Counsel, U.S. Department of Defense, to Dr. Jakob Kellenberger, President of the International Committee of the Red Cross, questioning the methodology and reliance upon written materials rather than actual state practice for a number of rules identified as constituting “customary international law” in the *Customary International Humanitarian Law* study published in 2005 (Cambridge). Security Council Resolution 1747 is another attempt by the United Nations to exercise its Chapter VII sanctions authority over Iran to obtain compliance with regards to its nuclear program. The United Nations Convention and Optional Protocol on the Rights of Persons with Disabilities sets forth human rights standards on the international level that are already codified—to varying degrees—in the domestic legislation of many nations. The International Criminal Court Pre-Trial Chamber I decision provides a helpful analysis of the temporal and subject matter jurisdiction of the court in the context of the ongoing conflict in Darfur, Sudan and represents an important jurisprudential development of the court. The “Open Skies” agreement between the United States and the European Union is anticipated to provide important economic benefits to the United States and the European Union and will eliminate World War II era barriers on travel. The ICSID Biwater Gauff Procedural order explores the participation of *amicus curiae* in arbitral proceedings, on an ad hoc, limited basis. The Fourth Circuit’s decision in the *El Masri* case provides the latest wrinkle in well-publicized case involving the state secrets doctrine; and the Ninth Circuit’s decision in *Sarei v. Rio Tinto* illustrates the continuing effort of litigants to avail themselves of the Alien Torts Statute in suits against multinational corporations. While in the United States, a debate is ongoing about the reliance upon the jurisprudence of other nations and according such jurisprudence precedential value, the High Court of Malawi does just that in *Kafantayeni v. Attorney General*. Readers will also note that we have changed the title of “other documents received” to “other documents considered” to reflect the substantial effort invested in seeking out and considering documents for publication in *International Legal Materials*. To provide readers with a better sense of the content of the documents that we have decided not to publish, we have also included a brief synopsis of each one.

Susan A. Notar
Washington, D.C.
June 15, 2007

Statement of Editorial Policy

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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