

CONTENTS

TREATIES AND AGREEMENTS

| | |
|---|-----|
| Bangladesh-India: Treaty on <u>Sharing of the Ganges Waters</u> at Farakka | |
| Introductory Note by Philippe Sands | 519 |
| I.L.M. Content Summary | 521 |
| Text of Agreement on the Ganges River | 523 |
| European Union-United States: Memorandum of Understanding Concerning the <u>U.S. Helms-Burton Act</u> and the <u>U.S. Iran and Libya Sanctions Act</u> | |
| I.L.M. Content Summary | 529 |
| Text of Memorandum of Understanding | 529 |
| India-Nepal: Treaty Concerning the <u>Integrated Development of the Mahakali River</u> | |
| I.L.M. Content Summary | 531 |
| Text of Agreement on the Mahakali River | 533 |
| Israel-Palestine Liberation Organization: Agreement on the <u>Temporary International Presence in the City of Hebron (TIPH)</u> and Memorandum of Understanding between Denmark, Italy, Norway, Sweden, Switzerland and Turkey on the <u>Establishment of TIPH</u> | |
| I.L.M. Content Summary | 547 |
| Text of Agreement | 548 |
| Text of Memorandum of Understanding | 549 |
| Israel-Palestine Liberation Organization: Interim Agreement on the <u>West Bank and the Gaza Strip</u> , with Selected Annexes | |
| I.L.M. Content Summary | 551 |
| Text of Agreement | 557 |
| Israel-Palestine Liberation Organization: Protocol Concerning the <u>Redeployment in Hebron</u> and Note for the Record | |
| I.L.M. Content Summary | 650 |
| Text of Protocol | 653 |
| Kenya-Tanzania-Uganda: Final Act of the Conference of Plenipotentiaries on the <u>Establishment of the Lake Victoria Fisheries Organization</u> | |
| I.L.M. Content Summary | 667 |
| Text of Final Act and Convention | 671 |
| Mercosur (Argentina, Brazil, Paraguay and Uruguay): Protocol of Brasilia for the <u>Settlement of Disputes</u> | |
| Introductory Note by Evelina Alhadeff | 691 |
| I.L.M. Content Summary | 692 |
| Text of Protocol | 693 |

VOLUME XXXVI
NUMBER 3
MAY 1997

TREATIES AND AGREEMENTS (cont.)

United Nations: Convention on the Law of the Non-navigational Uses of International Watercourses

| | |
|----------------------------------|-----|
| I.L.M. Content Summary | 700 |
| Text of Convention | 703 |

JUDICIAL AND SIMILAR PROCEEDINGS

New Zealand Court of Appeal: Judgment in *Controller and Auditor-General v. Sir Ronald Davison* (Denial of Sovereign Immunity; State and Private Actions; Public Policy Considerations)

| | |
|--|-----|
| Introductory Note by Michael Byers | 721 |
| I.L.M. Content Summary | 727 |
| Text of Judgment | 728 |

LEGISLATION AND REGULATIONS

South Africa: International Law Provisions of 1996 Constitution

| | |
|--|-----|
| Introductory Note by John Dugard | 744 |
| I.L.M. Content Summary | 745 |
| Text of Provisions of Constitution | 748 |

United States: Amendments to the Foreign Sovereign Immunities Act Concerning Jurisdiction for Lawsuits against Terrorist States, Including Technical Correction

| | |
|----------------------------------|-----|
| I.L.M. Content Summary | 759 |
| Text of Amendments | 759 |

REPORTS AND OTHER DOCUMENTS

Israel-Jordan-Palestine Liberation Organization: Declaration on Cooperation on Water-Related Matters

| | |
|----------------------------------|-----|
| I.L.M. Content Summary | 761 |
| Text of Declaration | 763 |

Palestine Liberation Organization: Letter Transmitting the National Council's Resolution to Amend the Palestinian National Charter Fulfilling the PLO Obligations

| | |
|----------------------------------|-----|
| I.L.M. Content Summary | 771 |
| Text of Letter | 772 |

RECENT ACTIONS REGARDING TREATIES TO WHICH THE UNITED STATES IS A PARTY 773

RECENT ACTIONS REGARDING TREATIES TO WHICH THE UNITED STATES IS NOT A PARTY 775

NOTICE OF OTHER RECENT DOCUMENTS (Not Reproduced) 776

THE BEST IN LAW

The United Nations and International Law

Christopher C. Joyner, Editor

This volume provides students and scholars with a text that appraises the contribution made by the United Nations to contemporary international law and the law-creating process. Among the questions addressed are: how is international law made by UN institutions? What contemporary international law owes its existence to the United Nations? How have UN bodies served as sources of international law? Can UN-created law be said to have worked as an effective regulator of state conduct?

Contributors: Oscar Schachter, Paul Szasz, Frederic L. Kirgis, Jr., John F. Murphy, David A. Martin, Rebecca J. Cook, Virginia A. Leary, Stephen Zamora, Ved P. Nanda, Bernard H. Oxman, Ralph G. Steinhardt, Robert S. Jordan, Jose E. Alvarez, Christopher C. Joyner

Copublished with the American Society of International Law

58379-9 Hardback \$64.95
58659-3 Paperback \$24.95

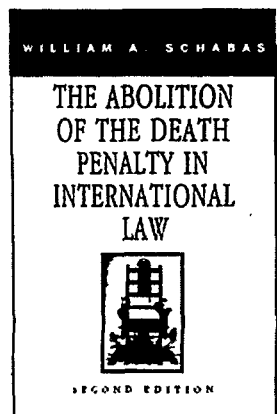
Procedure at International Conferences

A Study of the Rules of Procedure of International Inter-Governmental Conferences

Robbie Sabel

This book is a study of the rules of procedure of international inter-governmental conferences. It will be invaluable to any representative attending an international conference or an assembly of an international organization. It provides, for the first time, a practical manual with examples and precedents of how conferences apply rules of procedure. For the academic the book is of particular interest as it examines whether a new branch of customary international law has developed, namely that of procedure at international conferences.

55440-3 Hardback about \$90.00



The Abolition of the Death Penalty in International Law

Second Edition

William A. Schabas

Extensively revised to take account of developments in the field since its original publication in 1993, this highly-praised book details the progress of the international community away from the use of capital punishment, discussing in

detail the institution of the death penalty in international humanitarian law, European human rights law, and inter-American human rights law.

58135-4 Hardback \$90.00
58887-1 Paperback \$39.95

East Timor and the International Community

Basic Documents

Heike Krieger, Editor

The long-running dispute over East Timor involves issues of self-determination, non-recognition, and human rights. This book reproduces the basic materials relating to the historical background of East Timor; to the circumstances of the Indonesian invasion and subsequent incorporation of East Timor; to the development of the dispute in the light of the international community's response to it, and, finally, to the 1995 judgment of the International Court of Justice in the case concerning East Timor between Portugal and Australia.

Cambridge International Documents Series 10

58134-6 Hardback \$100.00

Governing the Antarctic

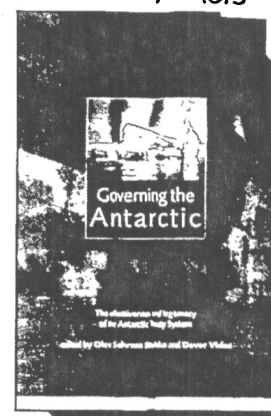
The Effectiveness and Legitimacy of the Antarctic Treaty System

Olav Schram Stokke and Davor Vidas, Editors

This is a book about international cooperation in the Antarctic, written by political scientists and international lawyers. They examine whether the Antarctic Treaty System succeeds in helping solve major problems in the region, and they investigate its position in the wider international community.

Areas covered include fisheries, the environment, tourism, mineral activities, the role of NGOs in Antarctic affairs, and the policy of neighboring countries towards the Antarctic.

Contributors: Olav Schram Stokke, Davor Vidas, Richard A. Herr, Christopher C. Joyner, Francisco Orrego Vicuña, Willy Ostreng, Bruce W. Davis, Maria Teresa Infante
57237-1 Hardback \$85.00



International Law Reports

E. Lauterpacht, C.J. Greenwood, and Andrew Oppenheimer, Editors

Volume 104

58066-8 Hardback about \$140.00

Volume 103

56311-9 Hardback \$140.00

Available in bookstores or from

CAMBRIDGE
UNIVERSITY PRESS

40 West 20th Street, N.Y., NY 10011-4211

Call toll-free 800-872-7423

MasterCard/VISA accepted. Prices subject to change.

Web site: <http://www.cup.org>

Editorial Policy and Guidelines for Submission of Documents and Introductory Notes

Editorial Policy

International Legal Materials is a collection of current documents designed to provide up-to-date information to scholars, practicing lawyers, legal advisers to government agencies and corporations, national and international officials, and others concerned with the legal aspects of public and private international relations. These documents primarily consist of current materials not readily available in most libraries.

The term international law is interpreted broadly for the purposes of this publication. Some of the materials may be of a kind normally classified under other rubrics, such as foreign law, comparative law, conflict of laws, constitutional law, international organization, and the like. The main criterion of the Editorial Advisory Committee in selecting materials is that the documents be of substantial interest to a large number of legal scholars, practicing lawyers and officials dealing with public and private international matters. It is recognized that these interests may vary considerably among users of the publication in the United States and elsewhere.

International Legal Materials reproduces by photo-offset the official documents whenever possible. In some instances, the documents are reproduced from unofficial typescript when texts are unavailable or when a translation is given. A short "I.L.M. Background/Content Summary" precedes each document to assist in reviewing the materials. On occasion, "Introductory Notes" also accompany documents. The authors of such notes are identified.

Readers are invited to draw the Editor's attention to documents meriting reproduction in *International Legal Materials*.

Submission of Documents

Readers are invited to submit documents that would be of interest to the international legal community. *International Legal Materials* reproduces by photo-offset 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 5.1.

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 inquiries and correspondence to:
Marilou M. Righini

Editor

International Legal Materials
2223 Massachusetts Avenue, NW

Washington, DC 20008-2864

Telephone: (202) 939-6000

Fax: (202) 797-7133

E-Mail: mrighin@asil1.mhs.compuserve.com

Editor

Marilou M. Righini

Editorial Advisory Committee

Charlotte Ku, Chair

Christina M. Cerna

Richard Greenfield

Cecil Hunt

Mark R. Joelson

Charles R. Johnston

Antonio Fidel Perez

Nancy L. Perkins

Peter H. Pfund

Ellen G. Schaffer

Jonathan B. Schwartz

Maurice Wolf

Nassib G. Ziadé

Members Emeriti

John Lawrence Hargrove

Seymour J. Rubin

Assistant Editor for Content Summaries

Samuel W. Bettwy

Assistant Editor

Charles O. Gnaedinger

CD-ROM Project Coordinator

Manuel Terranova

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)

Richard W. Edwards, Jr. (International Monetary System)

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 (Belgium)

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)

Boldizsár Nagy (Hungary)

Michael O'Boyle (European Court of Human Rights)

John R. Pate (Andean Group)

Charles H. Poncet (Switzerland)

Amelia B. Porges (GATT)

Maurizio Ragazzi (World Bank)

Douglas D. Reichert (Iran-United States Claims Tribunal)

Linda C. Reif (Canada)

Philip Sacks (Australia)

Ewa Salkiewicz (Poland)

Leonard H. W. van Sandick (The Netherlands)

Gerald S. Schatz (Antarctica)

Richard F. Scott (International Energy Agency)

Henri Smets (OECD)

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)

Interns

Amy E. Appleton

Sharon M. Swanson

Subscription Information

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., \$210; airmail, \$250. The rate for Society members in the U.S. is \$95; outside the U.S., \$115; airmail, \$155. Subscriptions to *International Legal Materials* 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 copies are \$45 each; complete volumes (six issues) are \$225 each.

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 *International Legal Materials* 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 Circulation Department 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 6 months of the publication date.

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

The Circulation Department
International Legal Materials
2223 Massachusetts Avenue, NW
Washington, DC 20008-2864
Telephone (202) 939-6000
Fax (202) 797-7133
<http://www.asil.org>
<pubs@asil1.mhs.compuserve.com>

Advertising

Inquiries about rates and specifications should be directed to the Advertising Department 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: 0020-7829/97 \$10.00 + .25. Educational copying is permitted. Please address requests to CCC Academic Permission Service: (508) 750-8400; fax (508) 750-4744.

Periodicals postage paid at Washington, DC. 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 1997