EUROPE
COUNCIL OF EUROPE
Committee of Ministers - interim resolution - ECHR case - prison conditions:
The Committee of Ministers has passed an Interim Resolution concerning the judgment of the ECHR of 15.7.02 in the case of Kalashnikov v Russia. In this case, the Court declared admissible complaints relating to poor prison conditions under which the applicant had been held before trial (Art.3), the excessive length of detention (Art.5) and the criminal proceedings brought against the applicant (Art.6.1).

The Committee of Ministers noted that Russia had paid the applicant the sums awarded in the judgment and that measures were being taken to reform both criminal procedure and the prison system. However, it considered that further measures were required to improve pre-trial detention conditions.

It called upon the Russian authorities to continue to improve conditions for pre-trial detainees and to keep the Committee of Ministers informed of developments, in particular by providing statistics relating to overcrowding and sanitary and health conditions in pre-trial detention facilities.

It will examine, not later than October 2004, progress achieved in the adoption of general measures necessary to prevent this kind of violation of the Convention.

Council of Europe, News, 4.6.03.
EUROPEAN UNION

Convention on the Future of Europe – draft proposals:

Draft proposals on the future constitution of Europe have been published. The European Convention is chaired by the former French President Valéry Giscard d'Estaing. Its main proposals are:

• Qualified majority voting in the Council of Ministers;
• A permanent President of the Council of Ministers instead of the current rotating six months Presidency. The President would be chosen by Heads of State and Government and would serve for a term of up to five years;
• A Foreign Minister for the EU to represent the EU’s policy. The powers and name of this office remain to be decided;
• A reformed European Commission with the President approved by the European Parliament;
• European Parliament to gain increased powers, extending the range of issues on which it must give assent;
• A restatement of the supremacy of European law over national law in areas where the EU has competence. Directives to be renamed “European laws”
• Powers of the EU defined to ensure that the concepts of “subsidiarity” and “proportionality” are established. National parliaments to have a role in monitoring these powers;
• Common citizenship that does not detract from national citizenship;
• Legally binding Charter of Fundamental Rights;
• EU to have its own legal personality so that it may sign international agreements on behalf of Member States without having to get Member States to sign themselves.

BBC, News:World:Europe, 26 and 27.5.03.

Occupational pensions - adoption of Directive

The Council has adopted the Directive on the activities and supervision of institutions for occupational retirement provision (IORPs). IORPs will be subject to detailed rules of operation and members and beneficiaries will be properly informed of the terms of the scheme, the situation of the institution and their individual rights. Future and promised benefits should be calculated prudently and be covered by sufficient assets. Member States must give supervisory authorities the powers to monitor and supervise adequately IORPs operating in their countries.

The Directive allows for mutual recognition of Member States’ supervisory regimes. An institution is permitted to accept sponsorship by and run a pension scheme for a company located in another Member State while applying the prudential rules of the Member State in which it is established. The social and labour legislation of the host Member State will continue to apply.

IORPs are provided with principles to guide them in their asset allocation strategy, in line with the “prudent person” principle. Assets must be invested in the best interest of members and be fairly widely spread at all times to ensure the security, quality, liquidity and profitability of the portfolio. Investment in shares and risk capital should not be unduly restricted. Member States may set more detailed investment rules but may not prevent IORPs from investing up to 70 per cent of their portfolio in shares and corporate bonds and up to 30 per cent in foreign currencies.

“Host” Member States (where the company sponsoring the pension fund is established) may ask “home” Member States (where the institution is located) to apply quantitative rules (concerning investment in assets not admitted to trading on a regulated market, assets issued by the sponsoring company and assets denominated in foreign currencies) to assets held by cross-border pension schemes, provided the host applies at least the same rules to its own domestic funds.

The Directive does not affect the national prerogative regarding the organisation of social protection and pension schemes and the encouragement of particular forms of retirement saving.

EC, Press Release IP/03/669, 13.5.03.

Social protection - communication:

The EC has adopted a proposal, in the communication “Strengthening the social protection - communication:...
dimension of the Lisbon strategy: streamlining open co-ordination in the field of social protection”, to improve, simplify and make more visible the EU’s work in co-ordinating Member States’ social protection policies. These policies cover pensions, social inclusion and combating poverty, healthcare and care for the elderly, social security systems and encouraging people to work. The communications sets out how the EU should, by 2006, integrate co-ordination in these fields into a single framework and process. The full text of the Communication is available at: http://europa.eu.int/comm/employment_social/soc-prot/social/index_en.htm

EC, Press Release IP/03/771, 28.5.03.

Illegal immigration - trafficking of human beings - external borders - return of illegal residents:
The EC has adopted a communication on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents. This communication will be forwarded to the European Parliament and the Council. The Commission recommends that as part of the work of the Convention, its scope should be extended to cover all aspects of common immigration and asylum policies, including the issuing of visas and external border controls.
EC, Press Release IP/03/794, 3.6.03.

WTO services – developing countries:
The European Union has tabled, at the World Trade Organization, a detailed list of sectors where it is offering companies and individuals in third countries further opportunities to offer services in the EU market. The sectors listed in the offer include telecoms, financial services, business and professional services, distribution, environmental services, construction, news agencies and tourism. In particular, the EU offers to give developing countries a better deal in sectors of interest for them by way of the temporary entry of foreign nationals into the EU to provide services.
EC, Press Release IP/03/582, 29.4.03.

EU-Central America political dialogue and co-operation agreement - negotiations:
On 12.5.03, the EU and Central American States opened the first round on negotiations for a new Political Dialogue and Co-operation Agreement. The new Agreement is intended to strengthen relations and co-operation between the two regions and help create conditions under which an Association Agreement, including a green trade agreement, could be negotiated.

The meeting took place as part of the XIXth San Jose Dialogue Ministerial Meeting. This process, launched in 1984, has been the means of improving relations between the EU and the six States that make up the Central American Integration System (SICA): Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama. The EC intends to conclude current negotiations by the end of 2003 in preparation for the next EU-Latin American and Caribbean Summit of Heads of State and Government, which will take place in Mexico in 2004.
EC, External Relations, Press Release IP/03/673, 13.5.03.

COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES
Agricultural products and foodstuffs - protected designation of origin:
The ECJ has held that the maintenance of the quality and reputation of foodstuffs registered with a protected designation of origin justified the rule that the product, when sold pre-packaged, must be grated (in the case of cheese) or sliced (in the case of ham) in the region of production. An Italian producer of Grana Padano cheese and a French company with exclusive rights to import the Italian producer’s products sought for a French company to stop grating, pre-packaging and distributing the cheese in France. The Italian trade association for Parma ham sought for the UK supermarket Asda and a UK food processor to stop slicing and selling Parma ham in pre-packs in the UK.

The Court noted that the 1992 regulation establishing Community protection for designations of origin (PDOs) and geographical indications for agricultural
products and foodstuffs did not exclude the determination of special technical rules applicable to operations leading to different presentations on the market of the same product. Consequently, grating, slicing and packaging the product could be made conditional on those operations taking place in the region of production. Such conditions restrict exports of Grana Padano cheese and Parma ham and constitute quantitative restrictions, which are prohibited by the principle of the free movement of goods.

However, the EC Treaty provides for exceptions to the free movement of goods on grounds such as the protection of industrial and commercial property. PDOs constituted industrial and commercial property rights and guarantee that the product comes from a specified geographical area and displays certain characteristics. The conditions laid down by the specifications for Grana Padano and Parma ham are consistent with Community law provided that they are necessary and proportionate for the purposes of protecting the PDOs.

Grating cheese, slicing ham and their packaging constitute operations, which may damage the quality and authenticity and reputation of the PDO if those conditions are not complied with. The PDOs would not be protected by an obligation for outside operators to inform consumers by way of labelling that grating, slicing and packaging had taken place outside that region. The Court noted that such operations are only protected if expressly laid down in the PDO specification.

The principle of legal certainty required that adequate publicity be given to prohibitions on outside operators. In the absence of such publicity those prohibitions could not be relied on before a national court.

**Geographical indications - bilateral agreements giving protection - permissibility:**

Advocate General Tizzano, in an opinion delivered on 22.5.03, proposes that the ECJ should declare that the application of a bilateral agreement between a Member State and a third country giving absolute protection to a geographical indication is permissible. However, a national measure giving absolute protection, which establishes no link between the product and its origin is not permissible.

The dispute concerns a bilateral agreement between Austria and the then Czechoslovakia of 1976, giving geographical indication protection to certain foodstuffs traded between the two countries. In 1999, the Budvar Brewery, which produces Budweiser Budvar beer, applied to the Austrian Commercial Court (Handelsgericht) for an order restraining an Austrian company, Ammersin, from importing “American Bud” beer from the United States on the grounds that it constituted an abuse of the indications or origin protected under the bilateral treaty. The Austrian court referred the matter to the ECJ.

The Advocate General proposes that the regulation protecting geographical indications and designations of origin permits the application of an agreement between a Member State and a third country according protection to a geographical indication designating the origin of a product, even though its qualities are not particularly tied to the origin. However, the regulation cannot apply to a designation like “Bud” from a third country. National law may give “absolute” protection to a designation without particular ties between the origin of the product and its characteristics. The general principles on the free movement of goods permits the application of a bilateral directive, which gives absolute protection to a geographical indication that designates a product without particular ties to its qualities.

The Advocate General proposes that the Court should find that the same principles precludes a national measure which reserves to the producers of a third country the use of an indication entirely distinct
from the category of geographical indications, which do not establish any link between the product and its origin, thereby according absolute protection, regardless of any risk of confusion. The treaty in force today is the same treaty concluded in 1976 and the scheme laid down in the treaty prevails over conflicting provisions of EU law.

_Budovický Budvar V Rudolf Ammersin GmbH_, ECJ, AG’s Opinion, Case C-216/01, 22.5.03.

ECJ, _Press Release 46/03_, 22.5.03.

**Discrimination – nationality – registration of names:**

Advocate General Francis Jacobs has given an opinion that a refusal to register a child of dual nationality with the surname of both parents following the Spanish tradition constitutes discrimination on grounds of nationality. The case concerns the registration in Belgium of the children of a Spanish national and his Belgian wife. The children have dual nationality.

Under Belgian law children are required to take the surname of their father. This name appears on their birth certificates. However, under Spanish custom children take the surname of both parents, the mother’s surname being placed second. The Belgian authorities refused this request as contrary to Belgian practice.

The father challenged that refusal before the Belgian Conseil d’Etat, which referred a question to the ECJ as to whether the refusal was contrary to EU law, particularly the principles relating to EU citizenship and freedom of movement for citizens.

The Advocate General considered that the situation fell within the scope of Community law as the case concerned not only the children, who are Belgian nationals, but also the father, a Spanish national who has exercised the community right to move to and work in another Member State. Following the introduction of Community citizenship, discrimination on grounds of nationality in prohibited in all situations where Community law is applicable.

The refusal amounted to discrimination on grounds of nationality as it treated objectively different situations in the same way. Belgian law permitted a change of surname when serious grounds were given. Thus a refusal to grant a change when the grounds were linked to possession of another nationality must be regarded as discrimination on grounds of nationality. There was no overriding public interest to justify this discrimination.

_Carlos García Avello v Belgium_, ECJ AG’s Opinion, Case C-148/02, 22.5.03.

ECJ, _Press Release 43/03_, 22.5.03.

**HUNGARY**

Employment - Labour Code - amendment:

On 31.3.03, Parliament passed legislation amending the Labour Code. This amendment will enter into force on 1.7.03, except for sections amending the Labour Supervision Act, which came into force on 1.5.03. This amendment continues the process of harmonisation of Hungarian employment law with EU law.

CMS Cameron McKenna, _Law-Now_, 5.6.03.

'http://law-now.com'

**MOLDOVA**

Constitution - political parties - Constitutional Court judgment:

The Constitutional Court has ruled that the “Law on Parties and other Social Organisations”, which requires political parties to re-register annually with the Ministry of Justice, conforms to the Constitution. The legislation requires parties to show that they have at least five thousand permanent members spread across Moldova. The Court suspended one provision, which provided that the Supreme Court could suspend, on the Ministry of Justice’s request, the activities of a political party that has not held a congress in four years or had fewer than five thousand members.

'http://www.legislationline.org', 5.6.03.

**POLAND**

Immigration - refugees - status - legislation:

On 22.5.03, The Sejm adopted a Bill on Refugee Status. Under the new legislation, foreigners with refugee status in Poland may be issued with residency cards. They
will be entitled to social assistance for three months if destitute and housed in refugee centres. They are also entitled to a further 14 days social assistance after grant of refugee status. Aliens whom authorities intend to expel may be detained in a detention centre for up to 30 days.

OSCE Legislationline, 28.5.03.
www.legislationline.org

UNITED KINGDOM
ENGLAND AND WALES
Personal injury – psychiatric injury – negligence – crown immunity – combat immunity:
Former members of the UK armed services claimed damages for psychiatric injury sustained by exposure to combat conditions. The claims were organised into group actions against the Ministry of Defence (MoD), claiming that the MoD had been negligent in failing to take steps to prevent the development of psychiatric illness and in failing to detect, diagnose and treat such illness.

The High Court (Queen’s Bench Division) held that the MoD was immune from action relating to acts or omissions occurring before the repeal, in 1987, of the relevant section of the Crown Immunity Act 1947. In relation to combat immunity, this immunity extended to anti-terrorist, policing and peacekeeping operations. The MoD was not under a duty to maintain a safe system of work for personnel involved in such operations.

The MoD owed a duty of care as an employer and provider of medical services to service personnel. Its duty of care was of no higher standard than in ordinary circumstances by the Queen’s Regulations or otherwise. It had not been negligent in its provision of psychiatric services in the operations cited. (including the Falklands War, Northern Ireland and Bosnia).

Multiple Claimants v Ministry of Defence, HC (QBD), 21.5.03.
Daily Telegraph, 5.6.03.
www.telegraph.co.uk

AFRICA AND THE MIDDLE EAST
ISRAEL
International law – weapons – Geneva Conventions:
The Israeli Supreme Court, sitting as the High Court of Justice, has ruled that international law does not prohibit the Israeli Defence Forces from using flechette shells. These shells have similar characteristics to cluster bombs and are generally fired from tanks. They explode in the air, releasing thousands of metal darts, 3.75 mm in length, which are dispersed across an area several hundred metres wide.

The petitioners, Physicians for Human Rights and the Palestinian Centre for Human Rights claimed that use of these shells was in contravention of the laws of war, in particular the UN Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects, concluded in Geneva on 10.10.1980. Israel ratified this Convention in 1995.

The Court held that the Convention did not prohibit the use of weapons containing sub-ammunition such as flechette shells. Consequently it would not prohibit the Israeli Defence Force from using the shells. It noted that, in a previous judgment, it had declined to intervene in questions relating to the choice of weapons. It was for the authorised commander to make the decision as to whether the conditions in the arena of combat justified the use of the shell.

Physicians for Human Rights and the Palestinian Centre for Human Rights v The State of Israel, High Court Ruling 8990, 27.4.03.
http://www.btselem.org/English

MOROCCO
Terrorism - legislation:
Following the Casablanca suicide bombing of May 2003, the Moroccan Parliament has passed an anti-terrorism law. This law had been withdrawn previously because of criticism by human rights groups. It defines a terrorist act as
“any premeditated act, by an individual or a group, that aims to breach public order through terror and violence”.
BBC, News:World:Africa, 28.5.03.

RWANDA
Constitution - referendum:
On 27.5.03, a referendum was held on a draft constitution, which received 93 per cent approval. The referendum was monitored by the European Union. The new constitution aims to prevent any further genocide by not permitting any one political party from assuming dominance and by banning the incitement of racial hatred. Presidential and parliamentary elections will be held in August and September 2003.
UN, IRIN News, 27 and 28.5.03. www.irinnews.org

SWAZILAND
Constitution - draft:
The draft of Swaziland’s new constitution has been published, having been presented to King Mswati on 31.5.03. A Constitutional Review Commission was set up in 1996 but was plagued by scandal. The EU withdrew funding in 1999. In 2001 the King set up a Constitutional Drafting Committee to write a constitutional document.
The draft retains the political power of the King. It ends the legal minority status of Swazi women, recognises that chiefs cannot function in isolation and acknowledges the need for special attention for groups such as the physically disabled and children. Political parties are not mentioned, but “freedom of assembly and association” is guaranteed. The draft states that Swaziland’s political system is a democratic and participatory-based system.
The King will remain as head of the executive arm of government. Legislation passed by Parliament must receive royal assent to become law. The King may appoint the Prime Minister, cabinet, chiefs and judges. The King, the Queen Mother and the “Authorised Person” (a person who may assume executive duties if a king should die) may not be taxed or sued.
The Constitutional Drafting Committee will now take the constitution around the kingdom so that the Swazi people can comment on the draft. The King plans to approve the draft by October and parliamentary elections will be held that month.
UN, IRIN News, 6.6.03. http://www.irinnews.org

THE AMERICAS
BRAZIL
Intellectual property - copyright:
The Brazilian Senate has approved amendments to Art.184 of the Criminal Code, permitting the imposition of sentences of imprisonment on those who infringe copyright. The House of Representatives must approve the amendments. The minimum prison sentence for those who infringe copyright for commercial purposes is increased from one month to two years. Under Brazilian law, prosecution of crimes with a minimum penalty of less than one year can be suspended or struck down. The amendments also increase the search and seize powers of law enforcement agents, permitting them to confiscate equipment that has been used to make counterfeit goods.
Legal Media Group, 1.6.03. www.legalmediagroup.com

CANADA
Criminal law - drugs - marijuana – possession - draft legislation:
The Canadian Government has introduced draft legislation to reduce penalties for possession of marijuana. The bill recommends that those caught with 15 grams or less of the drug should only be fined and not receive a criminal record or prison sentence. Recent court cases have effectively approved the medical use of marijuana and have shown inconsistencies in the current legislation.
BBC, News:World:Americas, 28.5.03.

UNITED STATES
Freedom of speech - US Constitution (first amendment) - video games - children:
The US Court of Appeals for the Eighth Circuit has held that a local ordinance in St Louis, Missouri, restricts freedom of
speech as protected by the First Amendment to the US Constitution. County Ordinance No.20,193 of 26.10.00 makes it unlawful for any person knowingly to sell, rent, or make available graphically violent video games to minors, or to “permit the free play of” graphically violent video games by minors, without a parent or guardian’s consent.

The Court stated it could find no reason why pictures, graphic design, concept art, sounds, music, stories and narrative, present in video games should not be afforded constitutional protection. It held that depictions of violence could not fall within the legal definition of obscenity for either minors or adults. The County had not demonstrated that the claimed harms of the games were real, not merely conjectural, and that the regulation would alleviate these harms in a direct and material way.

The County had failed to show that “violent” video games caused psychological harm to minors or to present “substantial supporting evidence” of harm that would be required before an ordinance that threatens protected speech could be upheld.

Interactive Digital Software Association and others v St Louis County, Missouri, US Court of Appeals for the Eighth Circuit, Case No 02-3010, 3.6.03.

UNITED STATES/JORDAN
Bilateral investment treaty:
On 13.5.03, the US Secretary of State and the Jordanian Foreign Minister exchanged instruments of ratification for a Bilateral Investment Treaty. The Treaty Concerning the Encouragement and Reciprocal Protection of Investment was signed in 1997, ratified by the Jordanian Parliament in 1998 and by the US Senate in 2000.

It provides Jordanian investors in the USA and US investors in Jordan with international protection for the security of their investments, and ensures that US companies in Jordan and Jordanian companies in the USA are treated as favourably as their competitors. It imposes limits on expropriation and compensation for expropriation; guarantees free transfer of earnings from investments and allows investors to sue internationally accepted dispute settlement mechanisms.

US, Department of State, Fact Sheet, 13.5.03.

Detainees - human rights - Department of Justice report:
The Inspector General of the Department of Justice has issued a report examining the treatment of aliens held on immigration charges in connection with the investigation into the 11.9.01 terrorist attacks. After these attacks, 762 aliens were detained, suspected of having links to the attacks or to terrorism or involved in the subsequent FBI investigation into the attacks.

The Office of the Inspector General (OIG) has examined the treatment of these detainees, including their processing, bond decisions related to them, the timing of their removal from the USA or their release from custody, their access to counsel and the conditions of their confinement. The main findings of the report were:

- The FBI should have made greater efforts to distinguish between aliens whom it suspected of having a connection to terrorism and those aliens who had no connection with terrorism but were encountered in their investigations;
- The Immigration and Naturalization Service (INS) did not always serve the detainees with notice of the charges under which they were being held within an acceptable time. This delay affected the detainees’ ability to understand why they were being held, obtain legal counsel and request a bond hearing;
- There was a policy that all aliens in whom the FBI had an interest required FBI clearance of any connection to terrorism before they could be removed or released. Many detainees remained in custody for months with no clearance investigations being conducted as FBI agents were assigned to other duties;
- There was a “no bond” policy for all detainees whilst the FBI conducted its investigations. These investigations took longer than anticipated and there was a conflict about continued detention of
aliens with final orders or removal from the USA;
• A communications blackout meant that lawyers, families and law enforcement officials were unable to find out where detainees were being held;
• Detainees often lacked telephone access to lawyers;
• There was evidence of some physical and verbal abuse against detainees in one centre.
The full report is available at: www.usdoj.gov/oig

ASIA PACIFIC
CAMBODIA
War crimes - special courts - agreement:
On 6.6.03, the United Nations Legal Counsel, Hans Corell, and a Cambodian senior minister signed the agreement concerning the prosecution, under Cambodian law, of crimes committed during the period of Democratic Kampuchea. The UN General Assembly endorsed the agreement in May. The courts will be funded voluntarily and will cost more than US$19 million over three years.

There will be “Extraordinary Chambers” of one trial court and one Supreme Court within the Cambodian legal system to prosecute those most responsible for crimes and serious violations of Cambodian and international law between 17.4.1975 and 6.1.1979. The UN Secretary General is to send a planning mission to Phnom Penh to discuss the requirements (personnel, equipment, supplies and other operating needs) of the Extraordinary Chambers.
UN, UN News Service, 6.6.03.

PAKISTAN
Immigration - refugees - right to work:
Following an agreement between the UN High Commissioner For Refugees and Pakistan’s National Aliens Registration Authority, non-Afghan refugees have been given the opportunity to work legally in Pakistan. Pakistan is not a signatory to the UN Convention on the Status of Refugees or the International Covenant on Civil and Political Rights. It has no specific refugee law, despite the fact that there are more than three million refugees in the country.

Afghans are not included in this agreement as they are covered by a tripartite agreement, which provides for them to be repatriated over the next three years. More than two million Afghans have already returned home from Pakistan and Iran.
UN, IRIN News, 15.5.03. www.irinnews.org

Religious law - Sharia - introduction:
The legislature of the North West Frontier Province passed a bill, on 2.6.03, introducing Islamic law to that region. The legislation calls for the “Islamisation” of existing laws, so that they will be interpreted in accordance with the provisions of the Koran. The province’s education, judicial and financial systems will be brought into line with Sharia law. A “vice and virtue” department will be set up to punish those who violate Sharia law and to establish Islamic courts to dispense summary justice. Sharia law will be the supreme law in provincial matters.
UN, IRIN News, 3.6.03. http://www.irinnews.org

INTERNATIONAL
AMNESTY INTERNATIONAL
Human rights - annual report:
Amnesty International has published its annual report. It documents human rights abuses in 151 countries and territories in 2002. It notes in particular “forgotten conflicts” such as those in Burundi, Chechnya, Côte d’Ivoire, Colombia, Democratic Republic of Congo, and Nepal as well as issues arising from the Iraq war and the continuing conflict in Israel and the Occupied Territories. The report also focuses on the achievement of the establishment of the International Criminal Court.
http://web.amnesty.org
INTERNATIONAL COURT OF JUSTICE
Consular relations - Vienna Convention - alleged violations - (Mexico v USA) - extension of time limits:
On 27.5.03, the President of the Court extended the time limits for filing of written pleadings in the case concerning Avena and Other Mexican Nationals (Mexico v USA). The time limit for the filing of a Memorial by Mexico has been extended to 20.6.03 and that for the filing of a Counter-Memorial by the USA has been extended to 3.11.03. The extension was made at the joint request of the Parties.
ICJ, Press Release 2003-17, 27.5.03.

HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW
Jurisdiction - enforcement of judgments - new draft convention:
The Hague Conference on Private International Law has prepared a new draft of a convention on jurisdiction and the enforcement of judgments. This draft would apply to cases where business and commercial parties have specified the courts of a particular country to hear any possible disputes under their contract. The draft convention provides for the enforceability of the choice of court agreements and the enforceability of judgments resulting from courts designated in such agreements. The draft is available at:
ftp://ftp.hcch.net/doc/genaff_pd08e.pdf
US, Department of State, Media Note, 4.6.03.

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
War crimes - conviction - human rights award:
On 26.5.03, the International Criminal Tribunal for Rwanda (ICTR) handed down its first war crimes conviction. Its Appeal Chamber upheld a sentence of life imprisonment against George Rutaganda, who had been political leader of the Interahamwe militia group. At his trial, in 1999, he had been found guilty on three counts of genocide, extermination as a crime against humanity and murder as a crime against humanity.
The Appeals Chamber confirmed the first two convictions but acquitted him of the third charge on the grounds of inconsistencies in evidence. However, the Court entered two new convictions for murder as a violation of Art.3 of the Geneva Convention. It ruled that the Trial Chamber had wrongly acquitted Rutaganda of war crimes relating to the killing of Tutsi refugees. This was the first time that the Tribunal had convicted a defendant of a war crime.
The ICTR has been awarded the Friedrich-Ebert-Stiftung Human Rights Award. This award was conferred in acknowledgement of the Tribunal’s support for the due process of law and its contribution to the goal of national reconciliation in Rwanda.
UN, News Service, 28.5.03.

President and vice president - election - new judges:
The ICTR has appointed its former vice-president, Judge Mose of Norway as its new president. Judge Andresia Vaz of Senegal was elected vice-president. Mose takes over from Judge Pillay of South Africa. Three new judges have been sworn in before the plenary session: Ines Monica Weinberg de Roca from Argentina, Jai Ram Reddy of Fiji and Aleckseievich Egorov of Russia.
UN, IRIN News, 28.5.03.
www.irinnews.org

UNITED NATIONS
Iraq - sanctions - Security Council resolution:
On 22.5.03, the Security Council passed Resolution 1483, lifting sanctions on Iraq, which have been in place since the 1990 invasion of Kuwait, and granting wide interim governing powers to the USA and its coalition partners, including a role for a UN Special Representative working with this provisional Authority. The UN Special Representative, appointed by the Secretary General, is Sergio Vieira de Mello (who is taking leave of absence from his post as UN high Commissioner for Human Rights). The Resolution also allows for full resumption of oil sales in
order to restore economic activity for reconstruction.

The resolution was adopted by 14 votes to zero, with Syria not participating. The UN Special Representative is to work intensively “with the Authority, the people of Iraq, and others concerned to advance efforts to restore and establish national and local institutions for representative governance, including by working together to facilitate a process leading to an internationally recognised, representative government of Iraq”.

The UN Secretary General will also appoint a representative to an International Advisory and Monitoring Board, which will audit a Development Fund for Iraq. This fund will be a trust fund into which oil and other revenues will be paid, and payments out will be made at the discretion of the provisional Authority for humanitarian and economic reconstruction and other costs.

No time limit is imposed on the Authority and concomitant arrangements except that they will continue until internationally recognised representative government has been established in Iraq. The Security Council may review the implementation of the resolution within 12 months of adoption and consider further steps that might be necessary. The Council will reconsider the mandates of the UN Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA). The mandate of the Secretary General to operate the UN Oil for Food programme is extended for a further six months, allowing for the processing of current contracts before handing remaining activities of the programme to the provisional Authority.

UN, News Service, 22.5.03.

www.un.org/apps.news

UNITED NATIONS
ENVIRONMENT PROGRAMME
Regional environment agreement - Eastern Europe:
Central and Eastern European States have signed the Framework Convention on the Protection and Sustainable Development of the Carpathians. The aim of the agreement is to conserve the region’s reserve of natural forests and large carnivores whilst also assisting isolated mountain communities. Ministers from the Czech Republic, Hungary, Poland, Romania, Serbia and Montenegro, Slovakia and the Ukraine have signed the Convention.

UN, News Service, 22.5.03.
THE EURO IN THE NATIONAL CONTEXT
Edited by Jean-Victor Louis

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