

Volume 62 ■ Issue 1 ■ February 2023

ISSN 0020-7829

# ILM

# International Legal Materials

## INSIDE THIS ISSUE

- Alleged Violations of Sovereign rights and Maritime Spaces in the Caribbean Sea (Nicar. v. Colom.), Judgment (I.C.J.)  
*Yurika Ishii*
- Meta Platforms Ireland v. Bundesverband Der Verbraucherzentralen Und Verbraucherverbaende (VZVB) (C.J.E.U.)  
*Kenneth Propp*
- Hossou v. Benin (Judgment on Jurisdiction) (Afr. Ct. H.P.R.)  
*Scott Woodruff Lyons*
- Cassirer v. Thyssen-Bornemisza Collection Foundation (U.S. Sup. Ct.)  
*Emily Behzadi*
- ZF Automotive U.S., Inc. v. Luxshare, Ltd. (U.S. Sup. Ct.)  
*Kabir Duggal and Dianne Lake*
- “Maduro Board” of the Central Bank of Venez. v. “Guaidó Board” of the Central Bank of Venez. (UKSC)  
*Mubarak Waseem*
- Memorandum of understanding between the government of the United Kingdom of great Britain and northern Ireland and the government of the Republic of Rwanda  
*Guy S. Goodwin-Gill*



American Society  
of International Law



CAMBRIDGE  
UNIVERSITY PRESS

## STATEMENT OF EDITORIAL POLICY

*International Legal Materials (ILM)* is a 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.

*ILM* 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 with 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.

*ILM* is prepared for publication in Washington, D.C., with the guidance of an Editorial Advisory Committee and the assistance of a team of Corresponding Editors around the world. In order to reproduce texts of selected documents under tight production schedules, the best available source is used, whether electronic or printed.

Readers are invited to send comments to:

Dr. Justine N. Stefanelli  
Attorney-Editor  
*International Legal Materials*  
2223 Massachusetts Avenue, NW  
Washington, DC 20008-2864  
Telephone: (202) 939-6012  
[jstefanelli@asil.org](mailto:jstefanelli@asil.org)

## THE AMERICAN SOCIETY OF INTERNATIONAL LAW

The American Society of International Law (ASIL) is a nonprofit, nonpartisan, educational membership organization founded in 1906 and chartered by Congress in 1950. Headquartered in Washington, D.C., its mission is “to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice.” ASIL holds Special Consultative Status with the Economic and Social Council of the United Nations and is a constituent society of the American Council of Learned Societies.

ASIL’s 3,500 members come from more than one hundred nations with nearly 40 percent residing outside the United States. Its members include scholars, jurists, practitioners, government officials, leaders in international and nongovernmental organizations, students, and others interested in international law. Through its many publications, conferences, briefings, and educational events, ASIL seeks to serve the needs of its diverse membership and to advance understanding of international law among policymakers and the public.

ASIL is a volunteer-led organization governed by an elected Executive Council and administered by an executive director and professional staff.

**Become a Member**  
[asil.org/membership](http://asil.org/membership)

**Join one of the Society’s Partner Programs and Receive Complimentary Ad Space in *ILM***  
[asil.org/financial-support/sponsors-and-institutional-supporters](http://asil.org/financial-support/sponsors-and-institutional-supporters)

**Follow the Society on Twitter**  
[twitter.com/asilorg](https://twitter.com/asilorg)

**Like us on Facebook**  
[facebook.com/AmericanSocietyofInternationalLaw](https://facebook.com/AmericanSocietyofInternationalLaw)

## JOURNAL INFORMATION

*ILM* (ISSN: 0020-7829) is published six times a year, every other month, in print and online by Cambridge University Press (One Liberty Plaza, 20th floor, New York, NY 10006) on behalf of the American Society of International Law. Periodicals postage rate paid at New York, NY, and at additional mailing offices. POSTMASTER: Send address changes in the USA, Canada, and Mexico to: *International Legal Materials*, Cambridge University Press, Journals Fulfillment Department, One Liberty Plaza, 20th floor, New York, NY 10006. Send address changes elsewhere to **International Legal Materials**, Cambridge University Press, Journals Fulfillment Department, UPH, Shaftesbury Road, Cambridge CB2 8BS, England. To reduce time between acceptance and publication, contributions may appear online as *FirstView* publications in advance of their scheduled publication in an issue. Discover the entire *ILM* back archive at [cambridge.org/core/journals/international-legal-materials/all-issues](http://cambridge.org/core/journals/international-legal-materials/all-issues).

As a nonpartisan organization whose members hold a diversity of views, the Society refrains from taking positions on policy matters, except in accordance with the formal process set forth in the ASIL Constitution and Regulations. Views expressed do not necessarily represent the views of the Editorial Advisory Committee or the Society.

### Subscriptions

The electronic version of *ILM* is available to all members of the American Society of International Law by logging in to the ASIL website [www.asil.org](http://www.asil.org). Print copies are available to members for an additional fee. To subscribe as a nonmember or recommend a subscription to your librarian go to [cambridge.org/core/journals/international-legal-materials/subscribe](http://cambridge.org/core/journals/international-legal-materials/subscribe).

### Submission of Material

Primary material included in each issue of *ILM* is carefully chosen by the *ILM* Editorial Advisory Committee. Authors are solicited to write an Introductory Note to preface each document. The *ILM* editorial office welcomes efforts to bring suitable primary material to their attention. Those submitting material will be notified of the acceptance of their document for publication. Full instructions on how to submit primary material can be found at [cambridge.org/core/journals/international-legal-materials/information/instructions-contributors](http://cambridge.org/core/journals/international-legal-materials/information/instructions-contributors)

### Claims and Address Updates

[subscriptions\\_newyork@cambridge.org](mailto:subscriptions_newyork@cambridge.org) (in the USA, Canada and Mexico)  
[journals@cambridge.org](mailto:journals@cambridge.org) (elsewhere)

### Copyright and Permissions

[cambridge.org/about-us/rights-permissions](http://cambridge.org/about-us/rights-permissions)

### To Advertise in *ILM*

[ad\\_sales@cambridge.org](mailto:ad_sales@cambridge.org)

### Abstracting and Indexing Services

[cambridge.org/core/journals/international-legal-materials/information/abstracting-indexing-services](http://cambridge.org/core/journals/international-legal-materials/information/abstracting-indexing-services)

### For Other ASIL Publications

[www.asil.org](http://www.asil.org)

### Proper Citation

*ILM* shall be cited according to the following example:  
61 *ILM* 12 (2022)

### *International Law in Brief*

The Attorney-Editor of *International Legal Materials* also edits the blog *International Law in Brief*, which contains objective abstracts of recently released documents pertinent to international law. Documents abstracted in *International Law in Brief* are later considered for reproduction in *ILM*. To view *International Law in Brief*, please visit [www.asil.org/ilib](http://www.asil.org/ilib).

ISSN: 0020-7829

E-ISSN: 1930-6571

© American Society of International Law

### **Attorney-Editor**

Justine N. Stefanelli

### **Editorial Advisory Committee**

Michael D. Cooper, *Chair*

Andrew Boyle

René Figueredo Corrales

Uché Ewelukwa Ofodile

Sarah Freuden

Paul Herrup

Stefan Kirchner

Nikoleta Paraskevi Chalanouli

Salim S. Sleiman

Peter Tzeng

Ozlem Ulgen

Jeremy M. Weinberg

Thomas Weatherall

### **ILM Corresponding Editors**

Philip C. Aka (Int'l Hum. Rts. L.)

Valentina Azarova (Int'l Humanitarian L.)

Chloe Baldwin (Int'l Arb., Int'l Disp. Res.)

Paolo Bargiacchi (Pub. Int'l L., EU L.)

Ronald Brand (Priv. Int'l L., Int'l Econ. L.)

Gian Luca Burci (Int'l Health L.)

Christina M. Cerna (Int'l Hum. Rts. L., Pub. Int'l L., Int'l Orgs.)

Alice de Jonge (Asian L., In'l Bus. L.)

Constance de la Vega (Int'l Hum. Rts. L., Int'l L. Dom. Cts.)

Kabir Duggal (Pub. Int'l L., Int'l Arb.)

Alison Dundes Renteln (Pub. Int'l L.)

Richard I. Fine (Pub. Int'l L., Anti-Corruption)

Maria Gavouneli (LOS)

Thomas D. Grant (Pub. Int'l L.)

Eckhard Hellbeck (Int'l Disp. Res., Pub. Int'l L.)

Jean-Marie Henckaerts (Int'l Humanitarian L.)

Maria Angela Jardim de Santa Cruz Oliveira (Int'l Disp. Res., Int'l Trade)

Scott T. Johnson (Int'l Crim. L., Extradition)

Jorge Kamine (Int'l Inv. and Fin.)

Michael Kelly (Pub. Int'l L., Int'l Crim. L.)

Nathaniel Khng (Int'l Inv. Arb.)

Theodore P. Kill (Int'l Disp. Res.)

Kenneth Klein (Int'l Tax'n)

Riikka Koskenmäki (Pub. Int'l L., Int'l Orgs.)

Artur Kozłowski (Pub. Int'l L.)

Vicheka Lay (Int'l Inv.)

Ben Love (Pub. Int'l L., Int'l Arb.)

Julie B. Martin (Int'l Crim. L., Int'l Hum. Rts. L.)

Charbel Moarbes (Int'l Arb., Int'l Inv.)

Hilly Moodrick-Even Khen (Int'l Humanitarian L., Int'l Hum. Rts. L.)

Boldizsár Nagy (Int'l Refugee L.)

Marko S. Novakovic (Int'l Admin. L.)

Aubin Nzaou-Kongo (Pub. Int'l L., African Union)

Rafael A. Porrata-Doria (EU L., Int'l Com. L.)

Ewa Salkiewicz-Munnerlyn (Peaceful Disp. Settlement, I.C.J., Atrocity Prevention, EU)

Richard F. Scott (Int'l Energy L., Int'l Orgs.)

William Slomanson (Pub. Int'l L.)

Frédéric G. Sourgens (Int'l Disp. Res.)

Tom Syring (Int'l Humanitarian L., Int'l Refugee L.)

Patricia Vella de Fremeaux (Mallia) (LOS, Maritime Sec., Maritime Mig.)

Todd Weiler (Int'l Econ. L., Int'l Arb.)

Simon N.M. Young (Int'l Hum. Rts. L.)

# INTERNATIONAL LEGAL MATERIALS®

Vol. 62

February 2023

No. 1

— Contents —

Forward.....	vii
Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicar. v. Colom.), Judgment (I.C.J.) Introductory Note by Yurika Ishii.....	1
Meta Platforms Ireland v. Bundesverband Der Verbraucherzentralen Und Verbraucherverbaende (VZVB) (C.J.E.U.) Introductory Note by Kenneth Propp.....	74
Hossou v. Benin (Judgment on Jurisdiction) (Afr. Ct. H.P.R.) Introductory Note by Scott Woodruff Lyons.....	91
Cassirer v. Thyssen-Bornemisza Collection Foundation (U.S. Sup. Ct.) Introductory Note by Emily Behzadi.....	100
ZF Automotive U.S., Inc. v. Luxshare, Ltd. (U.S. Sup. Ct.) Introductory Note by Kabir Duggal and Dianne Lake.....	110
“Maduro Board” of the Central Bank of Venez. v. “Guaidó Board” of the Central Bank of Venez. (UKSC) Introductory Note by Mubarak Waseem.....	120
Memorandum of understanding between the government of the United Kingdom of great Britain and northern Ireland and the government of the Republic of Rwanda Introductory Note by Guy S. Goodwin-Gill.....	166
<b>UNITED NATIONS SECURITY COUNCIL RESOLUTIONS</b> .....	182
<b>BRIEFLY NOTED</b> .....	184

# INTERNATIONAL LEGAL MATERIALS®

## Forward

For more than six decades, *International Legal Materials* has provided academics and lawyers with direct access to the world's most significant developments in the field of international law. Launched by the American Society of International Law in 1962, *ILM* was originally intended to remedy the need for access to relevant international judgments, advisory opinions, resolutions, policy pronouncements, and other sources of both hard and soft law. Almost overnight, *ILM* became the leading source of vital information for the global international law community.

The international legal landscape has changed dramatically over the last 60 plus years, and most international law documents are, of course, now available online. Still, *ILM* remains a crucial resource for academics, practitioners, and government officials because the bi-monthly publication serves to focus the legal community's attention on the most significant records among what has become an ocean of international law-related documents.

The work of the *International Legal Materials* Editorial Advisory Committee is key in this regard. Formed shortly after the first issues were published, the Committee includes a highly distinguished group of twelve international law experts who volunteer their time on an ongoing basis to sift through a multitude of important documents and identify those they judge to be of greatest importance to international law community. The Committee continually retools its selection criteria in response to the rapidly expanding universe of international legal materials available online and in recognition of new sources and new subjects of international law. They work with a global team of some 50 corresponding editors who monitor developments throughout the world and in multiple languages. The Committee also identifies expert commentators who illuminate and contextualize each document's significance in an introductory note, a practice of *ILM* since 2007.

The Editorial Advisory Committee evaluates not only the inherent value of relevant documents to the study of international law but also their applied value to the practice of international law. To this extent, they exercise curatorial expertise while at the same time responding to the "marketplace" of real-world challenges to which international law must answer.

The Society is immensely proud of *International Legal Materials* and enormously indebted to the Editorial Advisory Committee members who make this publication a success. In this volume, we feature notes by Yurika Ishii, Kenneth Propp, Scott Woodruff Lyons, Emily Behzadi, Kabir Duggal and Dianne Lake, Mubarak Waseem, and Guy S. Goodwin-Gill. We are extremely grateful to these authors for taking the time to contribute their expertise and their insights to *ILM*.

As always, we welcome your comments and suggestions.

Sincerely,  
Michael D. Cooper  
Chair  
Editorial Advisory Committee  
*International Legal Materials*