



# INTERNATIONAL LEGAL MATERIALS

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## FEATURING:

1

### Framework Convention for the Protection of the Marine Environment of the Caspian Sea

*The Republic of Azerbaijan, the Islamic Republic of Iran, the Republic of Kazakhstan, the Russian Federation and Turkmenistan signed this Convention in order to protect the Caspian environment from all sources of pollution and to preserve and restore the resources of the Caspian Sea.*

13

### European Court of Human Rights (ECHR): *Case of Broniowski v. Poland*

*The applicant alleged that Poland failed to satisfy his entitlement to compensation for property belonging to his grandmother when the area was still part of Poland before the Second World War. The ECHR Grand Chamber held unanimously that Poland violated Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights. The Court also found that many similar claims were likely to arise and called upon the Polish authorities to take the necessary measures to secure the property rights at issue.*

91

### International Centre for the Settlement of Investment Disputes (ICSID): *MTD Equity SDN. BHD. and MTD Chile S.A. v. Republic of Chile*

*The tribunal held that the Republic of Chile breached its obligations under the fair and equitable treatment provisions of the 1992 Agreement between the Government of Malaysia and the Government of the Republic of Chile for the Promotion and Protection of Investments.*

173

### Constitutional Court of South Africa: *Samuel Kaunda and Others v. President of the Republic of South Africa and Others*

*The applicants contended that, because South Africa provided intelligence to Zimbabwe and Equatorial Guinea, which was the cause of their arrest in Zimbabwe and possible extradition to Equatorial Guinea, South Africa had a particular duty to exercise diplomatic protection to preserve their human rights under the South African Constitution and under international law. The Court held, "Currently the prevailing view is that diplomatic protection is not recognised by international law as a human right and cannot be enforced as such. To do so may give rise to more problems than it would solve. Diplomatic protection remains the prerogative of the state to be exercised at its discretion."*

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**Editors:** **George A. Bermann**, Walter Gellhorn Professor of Law, Jean Monnet Professor of European Union Law, and Director of the European Legal Studies Center, Columbia University School of Law, New York. **Pierre Kirch**, Member of the Paris and Brussels Bars, and Partner in the Paris and Brussels offices of Paul, Hastings, Janofsky & Walker (Europe) LLP.

**About the Book:** This publication is an entirely new translation of major French legal texts, directed specifically to the business community and to legal practitioners and members of the legal academy who deal with business law issues concerning France. This publication, entitled "*French Business Law in Translation*," replaces the volume entitled "French Law: Constitution and Selected Legislation."

*French Business Law in Translation* constitutes a unique collection of translations of those French rules and regulations which really matter in an international business context.

**Format of the Publication:** From the tens of thousands of pages of legislative texts which apply in France to business dealings, practitioners experienced in international business have identified and translated those parts of the applicable rules and regulations which tend to have a recurrent importance in the framework of international business transactions.

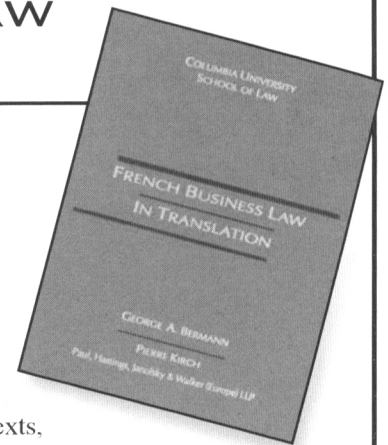
In a French setting, transactional work invariably involves not only fundamental contractual concepts set out in the Civil Code, but also, in particular, securities law, intellectual property, competition, tax and labor law considerations. That is the reason why significant extracts of these fast-evolving areas of the law have been included in *French Business Law in Translation*.

*French Business Law in Translation* includes fifteen chapters, divided into areas of the law of the most immediate practical importance to business people and their advisors. The first edition already includes some 400 pages of introductory material and translations:

1. Introduction to the Constitution of France and the European Treaties
2. Legal Professions and Dispute Resolution [*translations to be completed in 2005*]
3. General Private Law Principles [*translations to be completed in 2005*]
4. Introduction to General Commercial and Company Law [*translations to be completed in 2005*]
5. Securities Law and Financial Markets
6. Money and Banking Regulations [*translations to be completed in 2005*]
7. Competition Law
8. Consumer Protection
9. Labor Law
10. Tax Law
11. Insurance Law [*translations to be completed in 2005*]
12. Intellectual Property [*translations to be completed in 2005*]
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Each chapter opens with a brief introduction to the subject and an outline of its contents. The purpose is to allow the reader to place the translated legislation and rules in their overall context. The selection of translated material is done in such way as to enable the reader to appreciate in their full scope the fundamentals of each area of the law, as conceived by the legislator, the French Government and, in certain cases, independent regulatory authorities.

The selection of texts has been made by members of the Paris office of the law firm Paul, Hastings, Janofsky & Walker (Europe) LLP, under the direction of Pierre Kirch. The basic translations have been prepared by a team of advanced French and American law students of Columbia Law School, supervised by Professor George Bermann. The definitive translations and chapter introductions have been prepared by Pierre Kirch and George Bermann.



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#### FEATURING:

1009  
ICJ: Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory

The ICJ concluded that the specific course Israel chose for the wall in the occupied territories was not necessary to afford its security and that its construction constitutes breaches of its obligations under international humanitarian law and human rights law.

1099  
Supreme Court of Israel: Beit Sourik Village Council v. The Government of Israel  
The Supreme Court of Israel ordered that the construction of a wall in the area of the Beit Sourik be changed in order to avoid unnecessary hardship to the local Palestinian population. The Court found that the presence of Palestinian women and girls in the area could be substantially decreased by an alternative route.

1129  
Special Court for Sierra Leone: Prosecutor v. Kim Hingoo Norman  
The Appeals Chamber of the Special Court for Sierra Leone held that the recruitment of child soldiers is a crime and a violation of international law.

1207  
United States Supreme Court: Sherry Roush v. George W. Bush  
The U.S. Supreme Court held that U.S. District Courts have jurisdiction to hear petitions challenging the legality of detention of foreign nationals captured abroad in connection with armed conflict and on removal of Guantanamo Bay, Cuba.

1227  
Part of Criminal Appeals: Okalinda Torres v. The State of Oklahoma  
The Oklahoma Supreme Court affirmed the state's conviction of Torres for the same conduct and ordered that the state court's judgment be affirmed. The state court's judgment was affirmed for an independent reason and remanded to the state court to determine whether Torres was prejudiced by Oklahoma's violation of its Vienna Convention to return him, after he was detained, that he had the right to contact the American consulate.

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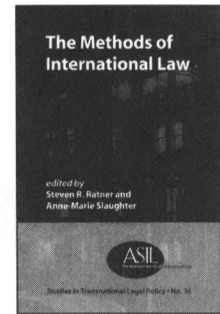
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