

THE ERIK CASTRÉN INSTITUTE OF  
INTERNATIONAL LAW AND  
HUMAN RIGHTS



# Peoples and International Law

Second Revised Edition

*by*  
*James Summers*

MARTINUS NIJHOFF PUBLISHERS

# Peoples and International Law

Second Revised Edition

*By*  
James Summers



BRILL  
NIJHOFF

LEIDEN • BOSTON  
2014

Summers, James, 1974- author.

Peoples and international law / By James Summers. -- Second revised edition.

p. cm. -- (The Erik Castrén Institute monographs on international law and human rights ; 17)  
Includes bibliographical references and index.

ISBN 978-90-04-23294-5 (hardback) -- ISBN 978-90-04-23297-6 (pbk.) -- ISBN 978-90-04-23296-9 (e-book) 1. International law. 2. Self-determination, National. 3. Nationalism. 4. Nationalities, Principle of. I. Title.

KZ1269.S86 2013

341--dc23

2013037649

This publication has been typeset in the multilingual "Brill" typeface. With over 5,100 characters covering Latin, IPA, Greek, and Cyrillic, this typeface is especially suitable for use in the humanities. For more information, please see [www.brill.com/brill-typeface](http://www.brill.com/brill-typeface).

ISSN 1568-2765

ISBN 978 90 04 23297 6 (paperback)

ISBN 978 90 04 23296 9 (e-book)

This paperback is also published in hardback under 978 90 04 23294 5.

Copyright 2014 by Koninklijke Brill NV, Leiden, The Netherlands.

Koninklijke Brill NV incorporates the imprints Brill, Brill Nijhoff, Global Oriental and Hotei Publishing.

All rights reserved. No part of this publication may be reproduced, translated, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior written permission from the publisher.

Authorization to photocopy items for internal or personal use is granted by Koninklijke Brill NV provided that the appropriate fees are paid directly to The Copyright Clearance Center, 222 Rosewood Drive, Suite 910, Danvers, MA 01923, USA.

Fees are subject to change.

This book is printed on acid-free paper.



Printed by Printforce, the Netherlands

## Peoples and International Law

# The Erik Castrén Institute Monographs on International Law and Human Rights

*General Editor*

Martti Koskenniemi

VOLUME 17

*The titles published in this series are listed at [brill.com/ilmc](http://brill.com/ilmc)*

*In memory of my grandparents George and Joan Senter*

"Ideas might be used as weapons... as a weapon, 'self-determination' should be handled with care."

H.F.E. WHITLAM

AUSTRALIAN  
REPRESENTATIVE TO  
THE HUMAN RIGHTS  
COMMISSION DURING  
THE DRAFTING OF THE  
HUMAN RIGHTS  
COVENANTS, 264TH  
MEETING, 1952.

## ACKNOWLEDGEMENTS

This book, now in its second edition, began life as a doctoral thesis, *The Idea of the People*, which was defended in Helsinki University on 11 December 2004 and then published with a few revisions as *Peoples and International Law* in 2007. I am extremely grateful for everyone who supported this project in its various phases. First, I would like to thank my doctoral supervisor at Helsinki, Jan Klabbers for his guidance and, in particular, for directing this work towards an interdisciplinary direction that allowed it to flourish. I would also like to express my appreciation for my examiners Martti Koskenniemi and Iain Cameron, and my opponent in the public defence, Karen Knop. Their critiques have played an important role in shaping the final published work. My thanks also go to Eyassu Gayim, Tarja Långström and Pamela Norris for their help with the doctorate, and my parents Peter and Catherine Summers for all their support and encouragement. I am also very grateful for the financial support I received from Helsinki University that allowed the completion of the LL.D. I would like to show my appreciation to Lindy Melman, Gera van Bedaf, and everyone at Brill for all their assistance with the publication and Martti Koskenniemi as General Editor of the Erik Castrén Institute of International Law and Human Rights series, in which this book proudly belongs. I would also like to thank everyone who helped with the second edition and the ideas behind it. In particular, I would like to express my gratitude to Sophia Kopela, Sigrun Skogly, Steven Wheatley, Carol Bennett, Suzanne Ost, Marc Weller, Harold Johnson, Jure Vidmar, Ruben Brouwer, Abdul Alothman, Sana Al-Sarghali, Wang Linzhu, Jackson Maogoto, Mervat Rishmawi, Ziad Abdel Tawab, and John Pearson. Lastly, I would like to give special thanks to Paula and Paul, Daniel and William for their love and patience over the innumerable late evenings needed to complete this new edition.

James Summers  
Lancaster University  
15 July 2013



## LIST OF ABBREVIATIONS

A/AC.125/SR.	Special Committee on Principles of International Law Concerning Friendly Relations and Co-Operation Among States, Summary Records.
A/AC.134/SR.	Special Committee on Defining Aggression, Summary Records.
ACHPR	African Commission on Human and Peoples' Rights
AU	African Union.
CESCR	Committee on Economic, Social and Cultural Rights.
CDDH/SR.	Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, Summary Records
CIS	Commonwealth of Independent States.
Comm.HR	Commission on Human Rights.
Comm.PSNR	Commission on Permanent Sovereignty over Natural Resources.
COREMO	<i>Comité Revolucionário de Moçambique.</i>
CSCE/I/PV.	Conference on Security and Co-Operation in Europe/First Stage (II = Second Stage, III = Third Stage)/Provisional Verbatim Records.
CSCE/SP/VR.	Conference on Security and Co-Operation in Europe/ Summit Meeting Paris 1990/Verbatim Records.
CTS	Consolidated Treaty Series.
DLR	Dominion Law Reports.
EC	European Community.
ECOSOC	Economic and Social Council.
ECOSOCOR	Economic and Social Council Official Records
ECtHR	European Court of Human Rights
ELF	Eritrean Liberation Front.
EPLF	Eritrean People's Liberation Front.
ESCOR	Economic and Social Council Official Records.
ESCR	Economic, Social and Cultural Rights.
EC	European Community
EU	European Union.
EULEX	European Union Rule of Law Mission in Kosovo.
FNLA	<i>Frente Nacional de Libertação de Angola.</i>

FRELIMO	<i>Frente de Libertação de Moçambique.</i>
FRG	Federal Republic of Germany (West Germany).
FRY	Federal Republic of Yugoslavia.
GA Dec.	General Assembly Decision.
GAOR	General Assembly Official Records.
GA Res.	General Assembly Resolution.
GDR	German Democratic Republic (East Germany).
HRCOR	Human Rights Committee Official Records.
HZDS	Movement for a Democratic Slovakia.
IACtHR	Inter-American Court of Human Rights.
ICJ	International Court of Justice.
ILC	International Law Commission.
ILM	International Legal Materials.
ILO	International Labour Organisation.
ILR	International Law Reports.
JNA	Yugoslav People's Army.
MANU	Mozambique African Nationalist Union.
MINURSO	United Nations Mission for a Referendum in Western Sahara.
MPLA	<i>Movimento Popular de Libertação de Angola.</i>
NATO	North Atlantic Treaty Organisation.
OAU	Organisation of African Unity.
OAS	Organisation of American States.
ODS	Civil Democratic Party.
OSCE	Organisation for Security and Cooperation in Europe.
PRC	People's Republic of China.
RIAA	Reports of International Arbitral Awards.
ROC	Republic of China.
SCOR	Security Council Official Records.
SC Res.	Security Council Resolution.
SDS	Serb Democratic Party.
SR.100	Summary Records, 100th Meeting.
SSR	Soviet Socialist Republic.
SWANU	South West Africa National Union.
SWAPO	South West African People's Organization.
UAR	United Arab Republic.
UDENAMO	<i>União Democrática Nacional de Moçambique</i>
UNCIO	United Nations Conference on International Organization.
UNCLT	United Nations Conference on the Law of Treaties.
UNESCO	United Nations Educational, Scientific and Cultural Organisation.

UNITA	<i>União Nacional Para A Independência Total de Angola.</i>
UNMIK	United Nations Mission in Kosovo.
UNOMIG	United Nations Mission in Georgia.
UNOMSA	United Nations Observer Mission in South Africa.
UNOVER	United Nations Observer Mission to Verify the Referendum in Eritrea.
UNTAC	United Nations Transitional Authority in Cambodia.
UNTEA	United Nations Temporary Executive Authority.
UNTAES	United Nations Transitional Authority in Eastern Slavonia, Baranja and Western Sirmium.
UNTAET	United Nations Transitional Authority in East Timor.
UNTS	United Nations Treaty Series.
USSR	Union of Soviet Socialist Republics.
YILC	Yearbook of the International Law Commission.
YHRC	Yearbook of the Human Rights Committee.
YBUN	Yearbook of the United Nations.

## TABLE OF CASES

### PERMANENT COURT OF INTERNATIONAL JUSTICE JUDGMENTS AND ADVISORY OPINIONS

- Certain Questions relating to Settlers of German Origin in Territory Ceded by German to Poland* (Advisory Opinion) PCIJ (1923) Series B, No. 6. 492
- Case concerning Certain German Interests in Polish Upper Silesia (Merits)*, PCIJ (1926) Series A, No. 7. 492, 525
- Interpretation of the Convention between Greece and Bulgaria Respecting Reciprocal Emigration, Signed at Neuilly-sur-Seine on November 27th 1919 (Question of the "Communities")*, (Advisory Opinion), PCIJ (1930) Series B, No. 17. 395
- Customs Regime between Germany and Austria* (Advisory Opinion), PCIJ (1931) Series A/B, No. 41. 475
- Legal Status of Eastern Greenland*, PCIJ (1933) Series A/B, No. 53. 428
- Appeal from a judgment of the Hungaro-Czechoslovak Mixed Arbitral Tribunal (The Peter Pazmany University Czechoslovakia)*, PCIJ (1933) Series A/ B, No. 61. 482
- Minority Schools in Albania* (Advisory Opinion), PCIJ (1935) Series A/B, No. 64. 185

### INTERNATIONAL COURT OF JUSTICE JUDGMENTS AND ADVISORY OPINIONS

- Corfu Channel Case (Merits)*, ICJ Reports (1949). 358
- Reparation for Injuries Suffered in the Service of the United Nations* (Advisory Opinion), ICJ Reports (1949). 430
- International Status of South West Africa* (Advisory Opinion), I CJ Reports (1950). 543
- Case concerning Rights of Nationals of the United States of America in Morocco* (France v. United States of America), ICJ Reports (1952). 487
- Case Concerning the Arbitral Award made by the King of Spain on 23 December 1906* (Honduras v. Nicaragua), ICJ Reports (1960). 83
- Case concerning the Temple of Preah Vihear* (Cambodia v. Thailand), ICJ Reports (1962). 48
- South West Africa Cases* (Ethiopia v. South Africa; Liberia v. South Africa) (Second Phase), ICJ Reports (1966). 29
- Case Concerning the Barcelona Traction, Light and Power Company Limited* (Belgium v. Spain) (Second Phase) (Merits), ICJ Reports (1970). 78, 84, 86, 124
- Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276* (1970) (Advisory Opinion), ICJ Reports (1971). 73, 76, 77, 123-127, 205, 399, 436, 438, 447, 531, 543

- Nuclear Tests Case* (Australia v. France), ICJ Reports (1974). 476, 524
- Western Sahara* (Advisory Opinion), ICJ Reports (1975). 3, 4, 9, 46, 54, 72, 75, 76, 107, 110, 118, 122, 205, 215, 223, 424, 438, 447, 499
- Case Concerning Delimitation of the Maritime Boundary in the Gulf of Maine Area* (Canada/United States of America), (Judgment), ICJ Reports (1984). 71
- Case Concerning Military and Paramilitary Activities in and Against Nicaragua* (Nicaragua v. United States of America), (Merits), ICJ Reports (1986). 223, 276, 448, 449, 457, 460
- Case Concerning the Frontier Dispute* (Burkina Faso/Republic of Mali) (Judgment), ICJ Reports (1986). 72, 73, 82, 397, 401, 402, 433
- Case concerning the Land, Island and Maritime Frontier Dispute* (El Salvador/Honduras; Nicaragua intervening), ICJ Reports (1992). 83, 476, 492
- Case Concerning the Territorial Dispute* (Libya/Chad), ICJ Reports (1994). 488, 489
- Case Concerning East Timor* (Portugal v. Australia), (Judgment), ICJ Reports (1995). 19, 73, 84, 86, 399, 433, 436, 445, 463, 531
- Case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (Bosnia and Herzegovina v. Serbia) (Preliminary Objections), ICJ Reports (1996). 491, 528
- Case concerning the Gabčíkovo-Nagymaros Project* (Hungary v. Slovakia), ICJ Reports (1997). 356, 487, 489
- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion), ICJ Reports (2004). 68, 73, 77, 80, 84, 85, 86, 87, 223, 399, 433, 457, 460, 531, 532, 537, 538, 539, 541, 542, 543, 544, 549, 550
- Case Concerning Armed Activities on the Territory of the Congo* (Democratic Republic of Congo v. Uganda), ICJ Reports (2005). 455, 463
- Democratic Republic of Congo v. Rwanda* (Admissibility), ICJ Reports (2006). 455
- Case Concerning Application of the International Convention on the Elimination of All Forms of Racial Discrimination* (Georgia v. Russia), (Request for Provisional Measures), ICJ Reports (2008). 455
- Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo* (Advisory Opinion), ICJ Reports (2010). 57, 73, 77, 61, 233, 237, 238, 398, 399, 521, 523
- Pulp Mills on the River Uruguay* (Argentina v. Uruguay), (Judgment), ICJ Reports (2010). 356, 358

#### DECISIONS OF THE HUMAN RIGHTS COMMITTEE

- General Comment No. 12 (21) (1984). 17, 43, 85, 294, 306, 307, 333, 337, 338, 350, 448, 469, 534
- A.D. v. Canada* (*Mikmaq Tribal Society*), Communication No. 78/1980 (1984). 313
- Kitok v. Sweden*, Communication No. 197/1985 (1988). 10, 11, 120, 313, 324, 331
- Bernard Ominayak, Chief of the Lubicon Lake Band v. Canada*, Communication No. 167/1984 (1990). 11, 73, 313

- E.P. et al. v. Columbia*, Communication No. 318/1988 (1990). 11, 73, 313
- A.B. et al. v. Italy (South Tirol)*, Communication No. 413/1990 (1991). 73, 313
- R.L. et al. v. Canada (Whispering Pines Indian Band)*, Communication No. 358/1989 (1992). 313
- Ballantyne, Davidson, McIntyre v. Canada*, Communication Nos. 359/1989 and 385/1989 (1993). 9, 109
- General Comment No. 23(50) (1994). 10, 294, 312, 318, 321, 365
- Länsman v. Finland*, Communication No. 511/1992 (1994). 322, 324
- General Comment No. 25(57) (1996). 51, 294, 336, 469, 470
- Länsman v. Finland*, Communication No. 671/1995 (1996). 323, 324
- General Comment No. 26 (61) (1997). 489–490
- J.G.A. Diergaardt et al. v. Namibia*, Communication No. 760/1997 (2000). 11, 73, 313, 314
- Apirana Mahuika et al. v. New Zealand*, Communication No. 547/1993 (2001). 11, 314, 323, 324
- Äärelä and Näkkäläjärvi v. Finland*, Communication No. 779/1997 (2001). 323–324
- Gillot v. France*, Communication No. 932/2000 (2002). 41, 48, 73, 122, 313, 336, 470
- Hom v. Philippines*, Communication No. 1169/2003 (2003). 331, 354
- Wilson v. Australia*, Communication No. 1239/2004 (2004). 331
- Howard v. Canada*, Communication No. 879/1999 (2005). 323
- Gorji-Dinka v. Cameroon*, Communication No. 1134/2002 (2005). 314, 331, 336, 470, 523
- Länsman v. Finland*, Communication No. 1023/2001 (2005). 322
- Poma Poma v. Peru*, Communication No. 1457/2006 (2009). 11, 314, 318, 322, 323, 324, 331, 355, 359

#### DECISIONS OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- General Comment No. 12 (20) 1999. 319, 321
- General Comment No. 13 (21) 1999. 319
- General Comment No. 14 (22) 2000. 319
- General Comment No. 15 (29) 2002. 299, 319, 329, 354
- General Comment No. 17 (35) 2005. 319, 364
- General Comment No. 19 (39) 2008. 319
- General Comment No. 20 (42) 2009. 319
- General Comment No. 21 (43) 2009. 256, 299, 306, 317, 319, 364, 365

#### DECISIONS OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

- Katangese Peoples' Congress v. Zaire*, Communication No. 75/92 (1995). 72, 74, 372, 373

- Malawi Africa Association, Amnesty International, Ms Sarr Diop, Union inter-africaine des droits de l'Homme and RADDHO, Collectif des veuves et ayants-Droit, Association mauritanienne des droits de l'Homme v. Mauritania (Mauritania Case)*, Communication Nos. 54/91, 61/91, 96/93, 164/97, 196/97 and 219/98 (2000). 374
- Sir Dawda K. Jawara v. The Gambia*, Communication Nos. 147/95 and 149/96 (2000). 380
- The Social and Economic Rights Action Center and Center for Economic and Social Rights v. Nigeria (Ogoniland Case)*, Communication No. 155/96 (2001). 374
- Association Pour la Sauvegarde de la Paix au Burundi v. Tanzania, Kenya, Uganda, Rwanda, Zaire and Zambia*, Communication No. 157/96 (2003). 372
- Democratic Republic of Congo v. Burundi, Rwanda and Uganda*, Communication No. 227/99 (2003). 372
- Advisory Opinion of the African Commission on Human and Peoples' Rights on the United Nations Declaration on the Rights of Indigenous Peoples, 41st Session (2007)*. 375
- Kevin Mgwanga Gunme et al. v. Cameroon*, Communication No. 266/2003 (2009). 74, 375, 523, 552
- Sudan Human Rights Organisation and the Centre on Housing Rights and Evictions v. Sudan*, Communication Nos. 279/03 and 296/05 (2009). 69, 114, 371, 552
- Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya (Endorois Case)*, Communication No. 276/2003 (2009). 11, 90, 94, 123, 377

#### DECISIONS OF THE EUROPEAN COURT OF HUMAN RIGHTS

- Loizidou v. Turkey (Merits)*, Application No. 40/1993/435/514 (1996). 521
- Matthews v. United Kingdom*, Application No. 24833/94 (1999). 49
- Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*, Application Nos. 29221/95 and 29225/95 (2001). 108, 524
- Gorzelik and Others v. Poland*, Application No. 44158/98 (2004). 107

#### DECISIONS OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS

- Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, Petition No. 11577 (2001). 321
- The Case of the Saramanka People v. Suriname*, Petition No. 12338 (2007). 94, 378

#### DECISIONS OF INTERNATIONAL TRIBUNALS

- Report of the International Commission of Jurists Entrusted by the Council of the League of Nations with the Task of Giving an Advisory Opinion upon the Legal*

- Aspects of the Aaland Islands Question*, League of Nations Official Journal, Special Supplement No. 3, (October 1920). 62, 75, 179, 397, 398, 489, 528
- The Aaland Islands Question: Report Submitted to the Council of the League of Nations by the Commission of Rapporteurs, League of Nations Doc. B7 [C] 21/68/106 (April 1921). 39, 62, 117, 179, 409, 410
- Aguilar-Amory and Royal Bank of Canada Claims* (Great Britain v. Coast Rica) (Tinoco Concessions Arbitration), 18 October 1923, 1 RIAA pp. 369–399. 528
- Lighthouses* (France v. Greece) Arbitration (1956), 23 ILR. 492
- The Indo-Pakistan Western Boundary (Rann of Kutch Case* (India v. Pakistan) (1968), 50 ILR. 83
- Beagle Channel Arbitration* (Argentina v. Chile), 52 ILR. 83
- Texaco Overseas Petroleum Company/California Asiatic Oil Company and the Government of the Libyan Arab Republic*, 17 ILM (1978) pp. 1–37. 467
- Award of the Arbitral Tribunal in the Dispute between Libyan American Oil Company (LIAMCO) and the Government of the Libyan Arab Republic Relating to Petroleum Concession 16, 17 and 20*, 20 ILM (1981) pp. 1–87. 467–468
- Case Concerning the American International Group Inc./American Life Insurance Company and the Islamic Republic of Iran*, 23 ILM (1982) pp. 976–1053. 467
- Award in the Matter of an Arbitration between Kuwait and the American Independent Oil Company (AMINOIL)*, 21 ILM (1982) pp. 976–1053. 467
- Guinea/Guinea-Bissau Maritime Delimitation Case* (1985), 77 ILR. 488
- Iran-United States Claims Tribunal, Case Concerning SEDCO Inc. and National Iranian Oil Company and Iran*, 25 ILM (1986) pp. 629–648. 467
- Case Concerning the Arbitral Award of 31 July 1989* (Guinea-Bissau v. Senegal), 83 ILR. 31, 83
- Conference on Yugoslavia, Arbitration Commission, Opinion No. 1, 31 ILM (1992) pp. 1494–1497. 477, 513, 515
- Conference on Yugoslavia, Arbitration Commission, Opinion No. 2, 31 ILM (1992) pp. 1497–1499. 67, 74, 105, 331, 397, 400, 481, 497, 515, 516
- Conference on Yugoslavia, Arbitration Commission, Opinion No. 3, 31 ILM (1992) pp. 1499–1500. 397, 515
- Conference on Yugoslavia, Arbitration Commission, Opinion No. 4, 31 ILM (1992) pp. 1501–1503. 47, 529
- Conference on Yugoslavia, Arbitration Commission, Opinion No. 8, 31 ILM (1992) pp. 1521–1523. 47, 478, 513, 529
- Conference on Yugoslavia, Arbitration Commission, Opinion No. 10, 31 ILM (1992) pp. 1525–1526. 527
- Conference on Yugoslavia, Arbitration Commission, Opinion No. 11, 32 ILM (1993) pp. 1587–1589. 477, 479, 513, 525
- Conference on Yugoslavia, Arbitration Commission, Opinion No. 14, 32 ILM (1993) pp. 1593–1595. 482
- Dispute over Inter-Entity Boundary in Brcko Area, 36 ILM (1997) pp. 399–435. 530



- Committee on the Elimination of Racial Discrimination, General Recommendation XXI (48), (CERD /C/365/ Rev.1), (2000) pp. 16–17. 230
- Mauritius v. United Kingdom Arbitration* (Reasoned Decision on Challenge) (2011). 440
- Government of Sudan v. Sudan People's Liberation Movement/Army (Abyei Area) Arbitration* (2009). 430

## DECISIONS OF NATIONAL COURTS

- Superior Court of Hamburg, Federal Republic of Germany, Sociedad Minera el Teniente S.A. v. Aktiengesellschaft Norddeutsche Affinerie*, 12 ILM (1973) pp. 251–289. 467
- Constitutional Court of the RSFSR, In the Case of the Verification of the Constitutionality of the Declaration of State Sovereignty of the Republic of Tatarstan of 30 August 1990, the Law of the Republic of Tatarstan of 18 April 1991, “On Amendments and Additions to the Constitution (Fundamental Law) of the Republic of Tatarstan of 29 November 1991 On the Referendum of the Republic of Tatarstan,” and the Decree of the Supreme Soviet of the Republic of Tatarstan of 21 February 1992 “On Conduct of a Referendum of the Republic of Tatarstan on the State Status of the Republic of Tatarstan”; Decree of 13th March 1992, (“The Tatarstan Case”), 30:3 *Statutes and Decisions of the USSR and its Successor States* (1994) pp. 32–48. 231, 396
- The Constitutional Court of the Russian Federation, In the Case Concerning Verification of the Constitutionality of Edict No. 2137 of the President of the Russian Federation “On Measures for the Restoration of Constitutional Legality and Law and Order on the Territory of the Chechen Republic” of 30 November 1994; Edict No. 2166 of the President of the Russian Federation “On Measures for the Cessation of the Activity of Illegal Armed Formations on the Territory of the Chechen Republic and in the Zone of the Ossetian-Ingush Conflict” of 9 December 1994; Decree No. 1360 of the Government of the Russian Federation “On Provision for the State Security and Territorial Integrity of the Russian Federation, Legality, the Rights and Freedoms of Citizens, and the Disarmament of Illegal Armed Formations on the Territory of the Chechen Republic and the Regions of the North Caucasus Contiguous to it” of 9 December 1994; and Edict No. 1833 of the President of the Russian Federation “On the Fundamental Provisions of the Military Doctrine of the Russian Federation” of 2 November 1993, Decree No. 10-P, 31st July 1995, (“The Chechnya Case”), 31:5 *Statutes and Decisions: The Laws of the USSR and its Successor States* (1995) pp. 48–94. 231, 404
- Caglar v. Billingham (Inspector of Taxes)* (1996), 108 ILR, p. 510. 3, 12