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GUIDE TO FOREIGN AND
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CITATIONS

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Forward and General Instructions

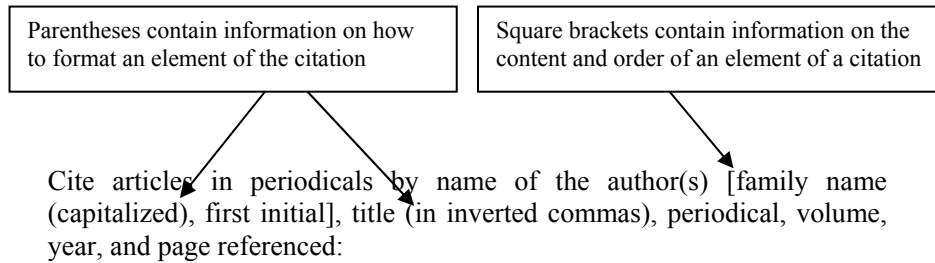
Publication of the Guide to Foreign and International Legal Citations, which is mainly comprised of foreign and international legal citations relying on the source jurisdiction's internal citation system rather than an externally imposed standardized form, serves multiple purposes. First, the Guide provides persons intending to submit legal materials to a foreign jurisdiction or international forum the ability to cite such materials according to the jurisdiction's or forum's own standards. Second, and perhaps more usefully, the Guide will allow persons unfamiliar with foreign and international citation standards (but wanting to study or apply foreign or international legal material or using such standards in their own work) the ability to understand and interpret the import of such standards in that jurisdiction's or forum's own terms. With this comes the ability, for example, to understand basic information like the type and hierarchy of the court which renders a particular decision or the type of code a law comes from. Third, on a more prudential level, with this information, scholars, judges, and practicing lawyers faced with such standards will be able to more easily identify and locate the source from the source jurisdiction according to its own, more familiar citation norms. Finally, in achieving these goals, the Guide aims to respect the idiosyncrasies among academic citation traditions among different jurisdictions.

This Guide should be thought of as a work in progress. In most cases, the standards offered here have been checked by legally trained citizens of the jurisdiction in question. Where this was not possible, other credible sources were sought. Nevertheless, given the breadth of the material, it would have proved too difficult to capture the citation standards for every country and every international legal forum. If a particular jurisdiction is covered, but is missing the citation standards for a particular type of source, either no standard exists, or it has not yet been discovered by our editors. Additionally, many jurisdictions' standards are not as rigorous as those in the United States. An explanatory paragraph at the beginning of each section describes whether the citation formats within the country are or are not recognizably standardized. The examples of citations that are not formally standardized represent common practices within a country that are widely recognized, and are not meant to exclude other formats that a source might have. Moreover, even in countries that have more standardized citation systems, the standards are not absolute nor writ in stone. Many countries have vernacular forms which are more prevalent, even if there are formal standards for citation. This Guide attempts to capture the plasticity of citations in actual practice by laying out a general citation rule, and then following it up with examples of citations that either follow the rule or deviate from it in a certain way.

The following instructions and reminders should be useful:

1. English translations of many foreign words in citations are placed in parentheses of the explanatory text, though translations are not placed in the citations unless the foreign standard itself offers translations. However, common practice in the United States is to place English translations after foreign words in square brackets.

2. If citing outside the country in question (or in instances where the country of origin of the source may not be clear to the audience), you can always add the name of the country in parentheses at the end of the citation.
3. Citation instructions contain both source content instructions (in square brackets) and formatting instructions (in parentheses). The following citation example demonstrates how these instructions are applied:



LINDEMANS, D., «Het kort geding tegen de overheid» *R.W.*
1983-1984, col. 210 et s.

4. Book citations (even to the same books) often differ between Section II and Section III. The Section II citations illustrate how the book is meant to be cited within that country. The Section III citations reflect the United States' standard of citation.
5. This Guide often refers to helpful Internet material. While we have tried to be as up-to-date as possible at the time of publication, keep in mind that webpages may change, move, and be deleted without warning.

In publishing the Guide now, we hope to solicit as much feedback as possible before publication of the next edition. If you find an error in a citation standard, want to contribute additional standards (or even additional countries), or have any other suggestions, please submit any feedback at nyu.jilp.gfilc@gmail.com. We are anxious to hear what you, the readers, think.

Acknowledgements

Publication of the Guide to Foreign and International Legal Citations (G.F.I.L.C.) – formerly known as the International Citation Manual (I.C.M.) – would not have been possible without the help of countless individuals and institutions over the past several years.

First, we would like to thank the numerous LL.M. students who took time out of their studies at NYU to provide guidance on the citation standards used in their home countries.

Second, we would like to thank past Journal of International Law and Politics (JILP) Boards and staff editors who contributed their time and thoughts to the production of this Guide.

Third, we would like to thank the past I.C.M. editors who labored over the years to compile this vast array of material. Special gratitude is extended to Christopher Cade Mosley for his effort in preparing this Guide for publication, as well as Jehan Aslam for both her past efforts, and future efforts as G.F.I.L.C. editor.

Finally, we would like to thank the administration of New York University School of Law for its patience and financial support, which have made this endeavor possible.

Sami H. Rashid
G.F.I.L.C. Editor, 2004-2005

Keil Mueller
JILP Editor-in-Chief, 2004-2005

ARGENTINA

Republica Argentina (Argentine Republic)

I. COUNTRY PROFILE (Civil Law)

Argentina is a federal, democratic republic comprised of twenty-three provinces. It is a civil law system primarily influenced by Italy, Spain, France, and Germany. The official language is Spanish.

The Constitution, adopted in 1853 and most recently amended in 1994, provides for a tripartite government with executive, legislative, and judicial branches. The provinces and the City of Buenos Aires enjoy autonomy and choose their own authorities. Each province and the City of Buenos Aires enacts its own constitution; each provincial constitution provides for municipal autonomy and the scope of its own institutional, political, administrative, economic and financial powers.

The President is the head of state and exercises the executive power. The Constitution requires that the President be elected directly by the people every four years and not serve more than two consecutive terms. Except for the Supreme Court Justices, the President has to select each federal judge from a list of three candidates that is prepared by the Judiciary Council (*Consejo de la Magistratura*). The President appoints the Supreme Court Justices and the other federal court judges with the consent of the Senate.

The legislative power is vested in the Congress (*Honorable Congreso de la Nación*), which is comprised of the Senate (*Cámara de Senadores*) and the Chamber of Deputies (*Cámara de Diputados*). By direct vote, the people of the provinces and those of the City of Buenos Aires elect representatives to the Chamber of Deputies. Deputies are elected for four years and may be reelected. The Senate consists of three senators from each province, and three from the City of Buenos Aires; among the three senators, two represent the majority party and the remaining senator represents the minority party. Senators serve for six years and can be reelected indefinitely. The judicial power in Argentina is divided into federal and provincial courts, each of which consists of supreme courts, courts of appeal, and lower courts. The courts are further divided in accordance with their areas of specialty.

The National Supreme Court (*Corte Suprema de Justicia de la Nación*) possesses the supreme judicial power and has nine members appointed by the President. It has exclusive and original jurisdiction in cases that involve ambassadors, public ministers, consuls and also those in which a province is a party. Lower courts, both at the appellate level and the first instance level, have their own specialty. A list of federal courts is provided in Part 3.2 below. The provincial court system has a similar structure to that of the federal court system. The jurisdiction of the provincial courts includes all matters that do not fall under federal jurisdiction. The number and the name of the provincial courts vary, depending on the province. A list of typical provincial courts is provided in Part 3.2 below. In addition to the federal and provincial courts, the autonomous city of Buenos Aires has its own courts as listed in Part 3.2 below.

Internet Resources:

The President
<http://www.presidencia.gov.ar>
Minister of Justice

II. CITATION GUIDE

In Argentina, there is no uniform national citation manual. There are, however, some accepted practices, although they are not followed by all authors.

1.0 Constitution

Cite to the abbreviation of the Constitution (“Const. Arg.”, or sometimes “CN”, for *Constitución Argentina*), preceded by the article (Art.):

Art. 23, Const. Arg.

1.1 State Constitution

Cite state constitutions with the abbreviation “Const. Prov.” followed by the name of the province, both preceded by the article (Art.):

Art. 23, Const. Prov. Córdoba.

2.0 Legislation

2.1 Statutes, Laws, and Decrees

Cite statutes and decrees by the law number, the name of the reporter, the volume number, and the page number:

Ley No. 23098, A.D.L.A., XLIV-D, 3733.

The official gazette, Boletín Oficial (B.O.), publishes laws and decrees. Citations should include date and page in the B.O. if possible.

Reporters containing national law, resolutions of the Executive, and provincial legislation, respectively, are:

Anales de Legislación Argentina: A.D.L.A.

El Derecho – Legislación Argentina: E.D.L.A.

Anuario de Legislación de Jurisprudencia Argentina: A.L.J.A.

2.2 Codes

Cite codes by the number of the article followed by the abbreviated title of the code:

Art. 954, Cod. Civ.

The abbreviations of major Codes are:

Código Civil (Cod. Civ.)
Código de Comercio (Cod. Com.)
Código Penal (Cod. Pen.)
Código Procesal Civil y Comercial de la Nación (Cod. Proc. Civ. Y Com. Nac.)
Código Procesal Penal de la Nación (Cod. Proc. Pen. Nac.)

3.0 Jurisprudence

Cite cases by the parties' names [plaintiff's and defendant's last name (and, optionally, first initial)], separated by "c/" in quotes, the court (including the section, "sala", if appropriate; for provincial courts add the name of the province), the name of the report, volume, year, and page referenced. If the volume number contains the year, it need not be repeated:

"Peroni c/ Gomez" CNCiv., sala B, LL, 1997-D, 123.

3.1 Reports

The official report of judicial decisions is *Colección Oficial de Fallos de la Corte Suprema de Justicia de la Nación* (abbreviated as "Fallos"). It only contains federal Supreme Court decisions and is cited by abbreviated name, volume number, and page referenced:

Fallos, 45, 967.

Authors and practitioners mainly use unofficial reports, including *Revista Jurídica Argentina -- La Ley* (LL); *El Derecho* (ED); and *Jurisprudencia Argentina* (JA). All of them report both federal and provincial cases:

LL, 1976-E, 658.

3.2 Courts

The abbreviations of Federal Courts are:

National Supreme Court: *Corte Suprema de Justicia de la Nación* (CSJN)
National Criminal Court: *Cámara Nacional de Casación Penal* (CNCP)
Court of Appeals for Administrative matters: *Camara Nacional de Apelaciones en lo Contencioso Administrativo* (CFed)
Lower Federal Courts: *Juzgado Federal* (Juzg Fed)

Courts of Ordinary Jurisdiction for the District of Buenos Aires (and their abbreviations) include:

Court of Appeals for Civil Matters: *Cámara Nacional de Apelaciones en lo Civil* (CNCiv.)
Court of Appeals for Commercial Matters: *Cámara Nacional de Apelaciones en lo Comercial* (CNCom.)
Court of Appeals for Civil and Commercial Matters: *Cámara Nacional de Apelaciones Especial Civil y Comercial* (CNEspecial Civ. y Com.)
Court of Appeals for criminal-economic matters: *Cámara Nacional de Apelaciones en lo Penal Económico* (CNPenal Económico)
Court of Appeals for Labor Matters: *Cámara Nacional de Apelaciones del Trabajo* (CNTrab.)
Lower Courts of Ordinary Jurisdiction: *Juzgado Nacional de Primera Instancia* (1a Inst.)

Provincial Courts (and their abbreviations) include:

Corte de Justicia (CJ)
Suprema Corte (SC)
Tribunal Superior (TS)
Tribunal Superior de Justicia (Trib. Sup.)
Superior Tribunal (ST)
State Court of Appeals for Civil and Commercial Matters: *Cámara de Apelaciones en lo Civil y Comercial* (CApel.CC)
State Court of Appeals for Criminal Matters: *Cámara de Apelaciones en lo Penal* (CApel. Penal)
State Court of Appeals for Labor Matters: *Cámara del Trabajo* (CTrab.)
State lower Courts of Ordinary Jurisdiction: *Juzgado de Primera Instancia* (1a Inst.)

4.0 Books

Cite books by name of the author(s) [last name (capitalized), first name, middle initial], title (in quotation marks), publisher, place of publication, year, volume number (if appropriate), and page referenced:

DOBSON, Juan M. "El Abuso de la Personalidad Jurídica (en el derecho privado)," Depalma, Buenos Aires, 1985, 35.

5.0 Articles in Periodicals

Cite articles in periodicals by name of author(s) [last name (capitalized), first name], title of article (in quotation marks), the name of periodical (often abbreviated), name of the location published (optional), name and volume or section of reporter (if appropriate), date, and page referenced:

MAIRAL, Hector. "El tratamiento de los créditos pagaderos en el extranjero bajo la ley de concursos," LL 1981 - C - 1190.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) [last name capitalized, first name], title (in quotation marks), the name of the newspaper or journal, name of the location published, date, and page referenced:

ECHEVARRIA, Gonzalo. "El Presidente de la Nación se entrevista con el Presidente de Brasil" Diario Clarín, Buenos Aires, 17 de marzo de 2000, 35.

7.0 Official Publications

Cite official publications by state governmental department, title (in quotation marks), reference number (if appropriate), name of report if any, date or year, and page referenced:

Ministerio de Justicia, "Control de Seguridad en las Penitenciarias Nacionales," Decreto No. 12.456, BO, 9 de marzo de 1995, 12.

Cite congressional materials from either the Senate or the Chamber of Deputies as "Antecedentes Parlamentarios," which is a private publication that contains congressional records for all bills.

8.0 Unpublished Materials

Cite unpublished materials by name of the author(s) [last name (capitalized), first name], title, university, department (if appropriate), year, page number, and "Inédito" (meaning "unpublished"):

MARINI, Diego. "Constitucionalidad de las medidas para mejor proveer," Universidad Nacional de Rosario, Facultad de Derecho, 2000, 36. Inédito.

Other materials: Cite by name of the author(s), title (if appropriate), volume (if appropriate), reference number (if appropriate), and location of the materials.

9.0 Citation of Electronic Material

There are no special rules available.

10.0 Unwritten Sources

Cite interviews, talks broadcast by radio or television, speeches or lectures by name of the speaker [last name (capitalized), first name], title in quotations, place, nature of the source, and date:

MORENO, Rodrigo. "Disertación en el Congreso Nacional de Derecho Procesal Garantista," Mar del Plata, Provincia de Buenos Aires, Argentina, 3 de enero de 1995.

III. SELECTED REFERENCES

ENRIQUE R. AFTALION, *INTRODUCTION AL DERECHO* (Abeledo Perrot 1999).

GERMAN J. BIDART CAMPOS, *THE ARGENTINE SUPREME COURT: THE COURT OF CONSTITUTIONAL GUARANTEES* (Hein & Company 1982).

GERMAN J. BIDART CAMPOS, *DERECHO CONSTITUCIONAL DEL PODER* (Ediar 1967).

EDUARDO COUTIVE, *INTRODUCCIÓN DERECHO PROCESAL CIVIL* (Depalma 1988).

JULIO B.J. MAIER, *DERECHO PROCESAL PENAL* (Rústica 1999).

AUSTRALIA

I. COUNTRY PROFILE (Common Law)

Australia's government is based upon representative democracy through a federal system. The Australian Constitution, which took effect on January 1, 1901, establishes the powers of the Commonwealth (the federal government) with all undesignated powers being reserved to the states and self-governing territory governments. The Commonwealth is comprised of six states and ten territories. The territories are generally governed by the Commonwealth, although the two mainland federal territories, the Northern Territory and the Australian Capital Territory, have responsibilities similar to the states through self-governing arrangements. English is the official language.

The Constitution provides for separate executive, legislative, and judicial branches. As in other parliamentary systems, the executive branch, including the Prime Minister and cabinet ministers, are elected by members of the party or parties that control the Parliament. Following the Westminster system of separation of powers, Parliament is responsible for establishing law and has the sole power to pass Acts, the Executive is charged with enforcing the law and has the power to make rules and regulations necessary to implement Parliamentary Acts, and the Judicial branch is responsible for interpreting the law.

The Commonwealth and each State are governed by elected Parliaments. The Commonwealth Parliament is formally headed by the Sovereign royal of Great Britain. The Commonwealth Senate is made up of seventy-six Senators, twelve Senators from each of the six states and two Senators each from the Northern Territory and the Australian Capital Territory. Senators serve a term of approximately six years (Parliamentary elections occur at least every three years or whenever the Prime Minister's party loses control of Parliament) with half of the Senators from each state or self-governing territory being elected during the general parliamentary election. The Constitution requires that the number of Representatives be "as nearly as practicable" twice the number of Senators, with the number from each state depending upon its relative proportion of the overall population. Representatives serve for the length of the current Parliament, generally three years.

Laws are made by the federal, state and territorial parliaments in generally the same way. A member of either house may introduce legislation which must be voted on and approved by both houses by a majority vote. The Governor-General then signs the legislation giving it royal assent and making it an Act of Parliament and thus, law. Whenever a federal law conflicts with a state law the federal law prevails.

The Constitution vests the judicial power of the Commonwealth in the High Court of Australia as the Federal Supreme Court. The High Court is vested with both original and appellate jurisdiction. Original jurisdiction applies in cases involving: treaties, suits between states or between persons suing or being sued by or on the behalf of a state, suits in which the Commonwealth of Australia is a party, and matters involving writs of mandamus or prohibition. Appellate jurisdiction applies to appeals from decisions of: High Court original jurisdiction, Federal courts, Federal Magistrates Service, courts exercising federal jurisdiction, and State Supreme Courts. The High Court has discretion in deciding which appeals to hear. It must consider, however, whether the issues on appeal involve questions of law of public importance, differences among lower court decisions, or issue that "in the interests of the administration of justice" should be considered by the High Court.

The Federal Court of Australia was created by the *Federal Court of Australia Act* of 1976. It is an appellate court with jurisdiction over decisions of: single judge rulings of the Federal Court, Australian Territory Supreme Courts (except the Northern Territory), and State Supreme Courts when they have exercised federal jurisdiction. Other federal courts include: The Family Court of Australia, the Industrial Relations Court of Australia, and the Federal Magistrates Service. The Family Court was established by the *Family Law Act* of 1975 to deal with dissolution of marriage, child welfare and custody, maintenance and property settlement issues. More recently its federal jurisdiction has been expanded to include bankruptcy, administrative law and taxation appeals. The Industrial Relations Court was established in 1994 as an independent court designed to deal with industrial relations matters, but later transferred to the jurisdiction of the Federal Court in 1997. Finally, the Federal Magistrate Court, established by the *Federal Magistrates Act* of 1999, is an independent federal court dealing with family law and child support, administrative law, bankruptcy law and consumer protection. The Federal Magistrate Court's jurisdiction is shared with the Federal Court, Family Court and some state courts.

Courts in Australian States and Territories have original jurisdiction in matters involving state or territorial law, and where the Commonwealth Parliament has specifically conferred jurisdiction for some federal matters. Most criminal matters are handled by state or territory courts. With the exception of the Australian Antarctic and Jervis Bay Territories, each state and inhabited territory has a Supreme Court and local courts of summary jurisdiction. In addition, most jurisdictions have intermediate courts known as a district or county court. Specialist courts, limited by subject matter, have also been established in some states to deal with issues such as the environment, compensation and local government issues.

Internet Resources:

Attorney General's Dept.

<http://www.ag.gov.au>

Capital

<http://www.act.gov.au>

Federal Gov't

<http://www.fed.gov.au>

New South Wales

<http://www.nsw.gov.au>

Northern Territories

<http://www.nt.gov.au>

Queensland

<http://www.qld.gov.au>

South Australia

<http://www.sa.gov.au>

Tasmania

<http://www.tas.gov.au>

Victoria

<http://www.vic.gov.au>

Western Australia

<http://www.wa.gov.au>

II. CITATION GUIDE

There is no official guide to legal citations in Australia. The following merely reflects accepted practices and suggestions as put forward in the comprehensive *Australian Guide to Legal Citation*.

1.0 Constitution

Cite the Australian Constitution as “Australian Constitution” (italicized), followed by the section referenced:

Australian Constitution s 19.

2.0 Legislation

2.1 Statutes

Cite acts by short title or, if there is no short title, full title (italicized), year, abbreviated name of the jurisdiction (in parentheses), and subdivision referenced:

Copyright Act 1970 (Cth) s 52.

For federal legislation, cite to the abbreviation for Commonwealth (Cth). For state legislation, cite to the abbreviated name of the state.

Australian Capital Territory (ACT)
New South Wales (NSW)
Northern Territories (NT)
Queensland (QLD)

South Australia (SA)
Tasmania (TAS)
Victoria (VIC)
Western Australia (WA)

2.2 Bills

Cite bills in the same way as acts. The name of a bill before parliament is not italicized:

CLERP Bill 1998 (Cth).

2.3 Treaties and Conventions

Cite treaties and conventions as described in Section 1.0 on Treaties and Conventions (on page 266), filling in the source information with the Australian Treaty Series by year, “Austl. T.S.” and treaty number:

[Treaty information], 1950 Austl. T.S. No. 1, [date of entry into force, etc.].

3.0 Jurisprudence

Cite cases by parties’ name [first plaintiff and defendant (separated by “v” and italicized)], year of decision, volume, reporter, first page of the case, and page referenced:

Croome v Tasmania (1997) 191 CLR 119, 125 (Brennan CJ, Dawson and Toohey JJ).

If appropriate, the author(s) of the judgment may be identified in parentheses after the page referenced. The year is cited in square brackets if the case appears in a report which volumes are organized by year.

Generally, court names are not included in a citation. However, if deemed necessary, they can be added to the end of the citation (in parentheses):

Mueller & Co v Commonwealth (2004) 109 FCR 156, 157 (Federal Court of Australia).

3.1 Reports

Major official reports series (and their abbreviations) include:

Commonwealth Law Reports (CLR)
Federal Court Reports (FCR)
Victorian Reports (VR)
New South Wales Law Reports (NSWL)

The unofficial reports series (and their abbreviations) include:

Australian Law Reports (ALR)
Australian Law Journal Reports (ALJR)
Federal Law Reports (FLR)

4.0 Books

Cite books by name of the author(s) [first name, family name], title (italicized), edition and publication year (in parentheses), and the page referenced:

John Fleming, *The Law of Torts* (6th ed, 1983).

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [first name, family name], title of the article (in single quotation marks), year (in parentheses), volume, title of the journal (italicized), first page of the article, and page referenced:

Adrienne Stone, 'The Limits of Constitutional Text and Structure: Standards of Review and the Freedom of Political Communication' (1999) 23 *Melbourne University Law Review* 668, 670.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of author(s) [first name, family name], title of the article (in single quotation marks), name of the newspaper (italicized), city of publication and, if published overseas, country of publication (in parentheses), full date, and page referenced:

Lenore Taylor, 'Canada Fires Trade Salvo', *The Australian Financial Review* (Sydney), 10-11 January 1988, 5.

Cite to editorials or opinions in newspapers and weekly journals by “Editor” or “Opinion”, followed by the same source information as above:

Editorial, “Urgent Need for Review’, *The Australian Financial Review* (Sydney), 17 January 2002, 46.

7.0 Official Publications

Cite Parliamentary Debates by jurisdiction, title (italicized), assembly name, date of debate, page referenced, and full name of the speaker and, where applicable, his position in government or opposition ministry (in parentheses):

Commonwealth, *Parliamentary Debates*, House of Representatives, 23 May 1992, 3121 (Paul Keating, Prime Minister).

Cite Parliamentary papers by jurisdiction, title (italicized), number (“Parl Paper No []”), year (in parentheses), and page referenced:

Commonwealth, *Department of Foreign Affairs Annual Report 1975*, Parl Paper No 142 (1976) 5.

Cite Law Reform Commission Reports by Name of the Law Reform Commission, title (italicized), Report/Discussion Paper number (“Discussion Paper No []”), year (in parentheses), and page referenced:

Victorian Law Reform Commission, *Homicide Report*, Report No 40 (1991) 7.

8.0 Unpublished Materials

Cite working papers by author, title (in single quotation marks), working paper number, institute or organization and year (in parentheses), and page referenced:

Jim Clark and Susan Miller, 'Topic of Working Paper?' (Working Paper No 112, School of Law, Example University, 1996) 2.

Cite theses by author, title (italicized), and purpose of the thesis, University and year (in parentheses):

Michael Smith, *Topic of Thesis* (PhD thesis, Sample University, 1978).

9.0 Citation of Electronic Material

9.1 On-Line Journal Articles

Cite journal articles available on the World Wide Web by name of author(s) [first name, family name], title (in single quotation marks), year (in parentheses), volume, issue (in parentheses),

journal title (italicized), article reference, Uniform Resource Locator of the journal, and paragraph referenced (in square brackets).

9.2 On-Line Non-Journal Articles

Cite articles published on the World Wide Web which are not part of a journal by name of the author(s) [first name, family name], title (in single quotation marks), year (in parentheses), homepage title, relevant organization, article reference, Uniform Resource Locator, and paragraph referenced (in square brackets):

Des Butler, 'Once More into the Mire, Dear Friends: Determining the Existence of a Duty of Care in Negligence' (2000) National Law Review 3 <<http://www.nlr.com.au>> [4].

9.3 Electronic Mail

Cite electronic mail by author's full name, email address, the word "email," and date (in parentheses):

Jim McHugh <jmchugh@mail.com.au>, email (13 January 1999).

10.0 Unwritten Sources

10.1 Interviews

Cite interviews conducted by the author by "Interview with", name of interviewee, title of interviewee, institution, and location and date (in parentheses):

Interview with Jim Smith, Managing Partner, Smith & Associates, (Melbourne, 5 November 1998).

Cite interviews not conducted by the author by name of the interviewer, "interview with", name of interviewee, title of interviewee, institution, and location and date (in parentheses):

Bill Jones interview with Jim Smith, Managing Partner, Smith & Associates, (Melbourne, 8 November 1998).

III. SELECTED REFERENCES

COLIN FONG, *AUSTRALIAN LEGAL CITATIONS: A GUIDE* (Prospect 1998).

COLIN FONG & ALAN EDWARDS, *AUSTRALIAN AND NEW ZEALAND LEGAL ABBREVIATIONS* (Australian Law Libraries Group 1995).

AUSTRALIAN GUIDE TO LEGAL CITATION (Melbourne University Law Review Association Inc. ed., 2nd ed.1998).

AUSTRIA

Republik Oesterreich (Republic of Austria)

I. COUNTRY PROFILE (Civil Law)

Austria is a federal, democratic Republic consisting of nine provinces (*Bundesländer*) including the federal capital province of Vienna. The official language is German. The Constitution of 1920 (*Bundesverfassungsgesetz* – reinstated in 1945) distributes authority between the relatively autonomous provinces, which have their own constitutions (*Landesverfassungsgesetz*) and parliaments (*Landtag*), and the federal government (*Bund*). The provinces are further divided into administrative subunits (*Gemeinden*).

The head of state is the President of the Republic, who is elected directly by the people for a six-year term. The President formally represents the Republic internationally and is constitutionally authorized to conclude international agreements. Furthermore, the Constitution vests (in theory) considerable powers on the President, such as the power to dissolve the National Council, to appoint or dismiss the Prime Minister and on the latter's proposal to appoint as well as dismiss the other members of the government; he is also designated as Chief of the Army. Nonetheless, the office is generally perceived as ceremonial.

The main executive organ is the government (*Bundesregierung*), which consists of the Prime Minister (*Bundeskanzler*) and the Ministers (*Bundesminister*). The Prime Minister is appointed by the party or parties that form a majority (through a process of political negotiation) of the National Council. The Ministers are appointed on the basis of the Prime Minister's proposal.

The bicameral Parliament consists of a National Council (*Nationalrat*) and a Federal Council (*Bundesrat*). They together form the National Assembly (*Bundesversammlung*). The 183 members of the National Council are elected directly by the people every four years. The Federal Council consists of fifty-eight members who serve as delegates representing the separate provinces; its members are elected by the provincial parliaments. All laws are published in the Federal Legal Gazette (*Bundesgesetzblatt*), which covers all forms of legislation, regulatory enactments and treaties.

Austria is a civil law country. The judiciary, which is within the exclusive competency of the federal government, consists of civil and criminal courts. There are no state courts. The lowest courts are the *Bezirksgerichte*, for smaller claims, and the *Landesgerichte*, for matters of more importance. Appeals are generally brought before the *Oberlandesgerichte*. Appellate decisions can be further appealed to the Supreme Court (*Obersten Gerichtshof*). In Vienna in addition to the normal courts, specialized courts exist: two commercial courts (*Handelsgericht and Bezirksgericht für Handelssachen*) and one labor court (*Arbeitsgericht*). While the *Arbeitsgericht* has the same competence as a *Landesgericht*, the two commercial courts equal the structure of the normal courts. There are 4 *Oberlandesgerichte*, which as courts of appeals have competence over every subject matter – both criminal and civil law. There is only one Supreme Court which hears all matters

While administrative procedures (regulations and decisions) do not *per se* fall under the judiciary branch, as a last resort they may be challenged before an administrative tribunal (*Verwaltungsgerichtshof*). Additionally, Austria has also implemented independent *quasi-judicial* tribunals (*Unabhängige Verwaltungssenate*) within the federal provinces as appellate tribunals for administrative matters. The Constitutional Court (*Verfassungsgerichtshof*) has the

authority to test the constitutionality of legislation and administrative acts. Individuals who claim a violation of their fundamental rights must exhaust all possible remedies before bringing the claim before the Constitutional Court.

Internet Resource:

Austrian Press & Information Service
<http://www.austria.org>

II. CITATION GUIDE

Abkürzungs- und Zitierregeln der österreichischen Rechtssprache und europarechtlicher Rechtsquellen (AZR) [Abbreviation and citation rules of Austrian legal terminology and European sources of law] (Gerhard Friedl et al. eds. 1996), a widely recognized standard system of citation elaborated and compiled on behalf of the Austrian Law Congress (*Österreichischer Juristentag*), can be considered semi-official.

Nevertheless, the standardized form is rarely used in practice. Thus, while the standardized form calls for full source names and English abbreviations (if appropriate), the use of abbreviated source names and German abbreviations remains common.

1.0 Constitution

Cite the Constitution by subdivision(s) referenced (“Art.,” “Abs.,” etc.) followed by the Constitution’s abbreviation (“B-VG”):

Art. 14 Abs. 3 B-VG.

1.1 State Constitution

Use the same format as used with the federal Constitution, substituting the name “Landes-Verfassungsgesetz” or the abbreviation “L-VG” of the state constitutions and including the name of the state in the citation.

2.0 Legislation

2.1 Regulations and Statutes

Cite regulations and statutes by subdivision(s) referenced followed by an abbreviation of the regulation’s name:

§ 35 Abs. 1 GSV.

2.2 Codes

Cite codes by subdivision(s) referenced [paragraph, article, section, etc.] followed by code’s abbreviation:

§ 35 Abs. 3, 1 ABGB.

The abbreviations of major codes are:

Constitution: *Bundesverfassungsgesetz* (B-VG)
General Civil Code: *Allgemeines Bürgerliches Gesetzbuch* (ABGB)
Commerical Code: *Handelsgesetzbuch* (HGB)
Civil Procedural Code: *Zivilprozeßordnung* (ZPO)
Criminal Code: *Strafgesetzbuch* (StGB)
Criminal Procedural Code: *Strafprozeßordnung* (StPO)
General Administrative Code: *Allgemeines Verwaltungsverfahrensgesetz* (AVG)

Jurisdictional abbreviations:

<i>Burgenland</i> (Bgld)	<i>Steiermark</i> (Stmk)
<i>Kärnten</i> (Krn)	<i>Tirol</i> (Tir)
<i>Niederösterreich</i> (Nö)	<i>Voralberg</i> (Vlbg)
<i>Oberösterreich</i> (Oö)	<i>Wien</i> (Wien)
<i>Salzburg</i> (Sbg)	

3.0 Jurisprudence

Cite case law by abbreviated court name, date [day.month.year], docket number, and source:

OGH 11.1.1972, 6 Ob 207/72 SZ 46/3.

Where a case is known by a given key word, place the word between the docket number and the source, set off by dashes:

OGH 14.5. 1963, 8 Ob 75/63 -- Bananen -- Arb 7747.

3.1 Unreported Cases

Cite unreported case law by abbreviated title of the issuing authority, date, and docket number:

VwGH, 13.5.1982, 82/06/0034.

3.2 Courts

Austrian courts (and abbreviations) include:

Supreme Court: *Oberster Gerichtshof* (OGH)
Constitutional Court: *Verfassungsgerichtshof* (VfGH)
Administrative and Tax Court: *Verwaltungsgerichtshof* (VwGH)
Second Court of Appeals: *Oberlandesgericht* (OLG [jurisdiction])
Trial and Appeals Court (in Lander capitals): *Landesgericht* (LG [jurisdiction])
Trial and Appeals Court: *Kreisgericht* (KG [jurisdiction])
Trial and Appeals Court for labor and social insurance matters: *Arbeits-und Sozialgericht* (ASG)
Trial and Appeals Court for commercial matters: *Handelsgericht* (HG)
Supreme Court for cartels: *Kartellobergericht* (KOG)

Trial Court for cartels: *Kartellgericht* (KartG)

Note: Jurisdiction abbreviations can be found in Section 2.2 above.

3.3 Reports

Austrian law reports (and abbreviations) include:

OGH Report for civil matters: *Entscheidungen des OGH in Zivilsachen* (SZ)

OGH Report for criminal matters: *Entscheidungen des OGH in Strafsachen* (SSSt)

VfGH Report for constitutional matters: *Erkenntnisse und Beschlüsse des Verfassungsgerichtshofes* (VfSlg)

VwGH Report for administrative or tax matters: *Erkenntnisse und Beschlüsse des Verwaltungsgerichtshofes, Neue Folge* (VfSlgNF-A for tax; VfSlgNF-A for administrative law)

ASG Report for labor matters: *Sammlung Arbeitsrechtlicher Entscheidungen* (ArbSlg)

ASG Report for social insurance matters: *Sozialversicherungsrechtliche Entscheidungen* (SVSlg)

HG Report for commercial matters: *Handelsrechtliche Entscheidungen* (HS)

4.0 Books

Cite books by the last name of the author(s) or editor(s), followed by the title. Only use first initials to prevent confusion:

Kafka, *Der Prozess*.

In the event of multiple editions, the edition number should be superscripted:

Pollak, *System*².

5.0 Articles in Periodicals

Cite articles in periodicals by author (italicized), article title, abbreviated periodical title (use the full title for formal citations), year of publication, and starting page number:

Novak, *Zur prozessualen Aufrechnungseinrede des österreichischen Rechts*, JBI 1951, 504.

BELGIUM

Koninkrijk België / Royaume de Belgique (Kingdom of Belgium)

I. COUNTRY PROFILE (Civil Law)

Belgium is a constitutional, parliamentary monarchy. The three official languages are Dutch, French and German. There is a federal government, three Communities (the Flemish, French, and German Communities) and three Regions (the Flemish, Walloon, and the Brussels-Capital Regions). There are also ten Provinces. Roughly speaking, the Communities deal with cultural affairs, education and health, and the Regions mainly deal with economic affairs.

The federal government's power is limited by Article 35 of the Constitution to those powers which the Constitution and quasi-constitutional laws (a special type of laws adopted by special majorities) formally confer upon it. Legislation implementing Article 35, however, has not yet been enacted. Until it is, the Regions and Communities hold only those powers expressly conferred upon them by the Constitution and quasi-constitutional laws, and the federal government continues to hold all residual powers. Belgium has a bicameral Parliament composed of a Senate (*Senaat* in Flemish, *Sénat* in French) and a House of Representatives (*Kamer van Volksvertegenwoordigers* in Flemish, *Chambre des Députés* in French). Because the importance of the Senate has been reduced over time, the system is no longer fully bicameral. The King, the Chamber of Representatives and the Senate collectively exercise the legislative power. The King's role, however, is primarily ceremonial. The Prime Minister is formally appointed by the King and approved by Parliament.

The Constitution vests the judicial power in the courts. There is the Court of Cassation (*Hof van Cassatie* in Flemish or *Cour de Cassation* in French). The Court of Cassation is the highest court of appeals in its areas of competency. It consists of bilingual Chambers specializing in civil cases, labor cases and criminal cases. Its judges are appointed for life by the King. The *Arbitragehof* (*Cour d'Arbitrage*) can declare laws unconstitutional. The *Raad van State* (*Conseil d'Etat*) gives advice about proposed laws and regulations and also is the highest administrative court. The government appoints and dismisses the officials of the public prosecutor's office.

The five Courts of Appeals in Belgium are the Brussels court, whose jurisdiction includes the provinces of Walloon Brabant, Flemish Brabant and the Region of Brussels-Capital; the Ghent court, whose jurisdiction includes the provinces of West-Flanders and East-Flanders; the Antwerp court, whose jurisdiction includes the provinces of Antwerp and Limburg; the Liège court, whose jurisdiction includes the provinces of Liège, Namur and Luxembourg; and the Mons court, whose jurisdiction includes the province of Hainaut. Courts with limited jurisdiction include commercial courts and labor courts which are governed by special laws.

Internet Resource:

Belgian Federal Portal
<http://www.belgium.fgov.be>

II. CITATION GUIDE

There are two guides available for Belgian citations, one in Dutch (*Juridische verwijzingen en afkortingen*, Kluwer rechtswetenschappen, 1997) and one in French (*Guides des citations, références et abréviations juridique*, Kluwer/Bruylant, 2001). Authors should follow these guidelines.

1.0 Constitution

Cite the Constitution by article referenced and the abbreviation “G.G.W.” (in Dutch) or “Const. coord.” (in French):

Art. 2, G.G.W.

Art 3, Const. coord.

2.0 Legislation

2.1 Statutes, Laws, and Decrees

Cite statutes, laws, and decrees by date and title, reference to the official journal “Belgisch Staatsblad” (abbreviated “B.S.”) or “Moniteur Belge” (abbreviated “M.B.”), journal’s date, and page referenced:

Art. 1 K.B. 19 maart 2004 tot wijziging van het koninklijk besluit van 26 februari 1981 houdende uitvoering van de Richtlijnen van de Europese Gemeenschappen betreffende de goedkeuring van motorvoertuigen en aanhangwagens daarvan, landbouw- of bosbouwtrekkers op wielen, hun bestanddelen alsook hun veiligheidsonderdelen, B.S. 21 maart 2004, p. 16205.

The official journal Belgisch Staatsblad or Moniteur Belge is now available *only* in electronic form at <http://www.ejustice.just.fgov.be/cgi/welcome.pl>.

2.2 Codes

Cite codes by article followed by abbreviated name of the Code:

Art. 1 S.W.

The abbreviations of major Codes are:

Code civil (C. civ.) / *Burgerlijk Wetboek* (B.W.)

Code pénal (C. pr. pén.) / *Strafwetboek* (S.W.)

Code de commerce (C. comm.) / *Wetboek van Koophandel* (W.Kh.)

3.0 Jurisprudence

Cite cases by name of Court or Tribunal and date of decision, followed by reference to the law review in which decision is published [title, year, volume, and page referenced]:

Cass. 30 januari 1973, *Pas.* 1973, I, 524.

3.1 Reports

For the judgments of the Arbitragehof / Court d'Arbitrage, see the official publication "Belgisch Staatsblad" or "Moniteur Belge" (available at <http://www.ejustice.just.fgov.be/cgi/welcome.pl> or <http://www.arbitrage.be/>).

The judgments of the Court de Cassation / Hof van Cassatie are published in the official publication Arrêts de la Cour de Cassation / Arresten van het Hof van Cassatie, abbreviated as "Arr. Cass." A reference to this publication is preferable. Also consult the court's website: <http://www.cass.be>.

The Conseil d'Etat / Raad van State publishes its judgments on the internet at <http://www.raadvst-consetat.be>.

Judgments of other courts and tribunals are not officially reported but can be found in a number of different law reviews. The citation guides mentioned above contain a list of abbreviations of titles of law reviews where you will find the judgments. Alternatively, a fairly comprehensive list of abbreviations can be found on the internet at <http://www.law.kuleuven.ac.be/lib/afkortingen/index.phtml>.

4.0 Books

Cite books by name of the author(s) [family name (capitalized), first initial], title (italicized), volume number, place of publication, year, and page referenced:

MOUREAU, L., *L'institution du recours pour excès de pouvoir en Belgique*, Bruxelles, 1937, p. 159 et s.

CAMBIER, C., *Principes du contentieux administratif*, Bruxelles, 1961, p. 193 et s.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [family name (capitalized), first initial], title (in inverted commas), periodical, volume, year, and page referenced:

LINDEMANS, D., «Het kort geding tegen de overheid» *R.W.* 1983-1984, col. 210 et s.

DELPEREE, F., «La prévention et la réparation des dommages causés par l'administration», *R.C.J.B.* 1983, 177 et s.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of author(s), title of article, date, starting page, and page referenced.

7.0 Official Publications

Cite official publications by state governmental department, title, reference number if any, date or year, and page referenced.

8.0 Unpublished Materials

Although references to unpublished court decisions are generally discouraged in academia, one may cite unpublished materials by name of author(s), department, date, and reference number if any. These citation rules, however, are not established in the citation guidelines.

9.0 Citation of Electronic Material

There are no special rules available.

10.0 Unwritten Sources

Cite unwritten sources by source, date, and reference number if any.

III. SELECTED REFERENCES

C. CAMBIER, PRINCIPES DU CONTENTIEUX ADMINISTRATIF (Bruxelles 1961).

JOHN H. CRABB, THE CONSTITUTION OF BELGIUM AND THE BELGIAN CIVIL CODE (AS AMENDED TO SEPTEMBER 1, 1982 IN THE MONITEUR BELGE) (F.B. Rothman 1982).

FRANCIS DELPEREE, LA CONSTITUTION FEDERALE DU 5 MAI 1993, (Bruxelles 1993).

BRAZIL

Republica Federativa do Brasil (Federative Republic of Brazil)

I. COUNTRY PROFILE (Civil Law)

The Federative Republic of Brazil is a federal republic with twenty-six states and a federal district (Brasilia). The Republic was first established in 1889 and the original constitution of the Republic – modeled after the U.S. Constitution – was adopted in 1891. New constitutions were adopted in 1934, 1937, 1946, 1967, and 1988, prompted by regimes ranging from authoritarian to democratic. The current Federal Constitution, drafted by the National Constituent Assembly with significant levels of societal participation and adopted on October 5, 1988, is the most democratic constitution in Brazil's history. It grants significant authority to the federal legislative bodies to counter the power of the President. The Constitution has been amended more than twenty-five times since 1988.

The Constitution grants broad powers to the federal government, which is made up of executive, legislative, and judicial branches. It provides for universal suffrage, equal rights of citizens, and decentralizes power from the federal government to Brazil's various states and municipalities. Powers not granted to the federal government or denied to the states are left to the states.

The executive branch is headed by the President, who holds office for four years with the right to run for re-election for one additional four-year term. The President functions as both chief of state and head of government, and appoints a cabinet of ministers to head the respective ministries.

The legislature consists of a bicameral National Congress (*Congresso Nacional*), which is composed of the Federal Senate (*Senado Federal*) and the Chamber of Deputies (*Câmara dos Deputados*). The Federal Senate has eighty-one members. Three members of the majority party are elected from each state or federal district to serve eight-year terms. Elections are staggered such that one-third of senators are elected in one four-year period and two-thirds are elected in the subsequent four-year period. The Chamber of Deputies has 513 members, who are elected by a proportional system to four-year terms.

The Judiciary is made up of a complex structure of courts of specialized and general jurisdiction. The Supreme Federal Tribunal, situated in the capital city of Brasilia and consisting of eleven tenured judges, is the highest federal court in the country and is the court of ultimate jurisdiction for all constitutional issues rising from both state and federal courts. Regional federal trial and appeals courts are scattered throughout the country. Although Brazil is a civil law country, case law plays a very important role, particularly in public law where American constitutionalism has been influential. The Supreme Federal Tribunal acts as a court of first instance and may strike laws as unconstitutional. Its Justices are nominated by the President, must be approved by a majority of the Senate, and may hold office until the age of seventy.

Each of Brazil's states has its own constitution, governor, state legislature, and independent judiciary comprised of both superior courts (trial level) and courts of appeal. In addition to these courts of general jurisdiction, there are specialized state courts with jurisdiction over cases related to areas such as labor relations, military crimes, and electoral matters. Besides the Supreme Federal Tribunal (with general jurisdiction over both state and federal issues), the federal court system adjudicates only those cases where the Federation is named as a party. State courts have jurisdiction over all other cases.

Internet Resources:

Federal Senate
<http://www.senado.gov.br>
Chamber of Deputies
<http://www.camara.gov.br>
President
<http://www.planalto.gov.br>

Ministry of Foreign Relations
<http://www.mre.gov.br/>
Supreme Federal Tribunal
<http://www.stf.gov.br>
Superior Tribunal of Justice
<http://www.stj.gov.br>

II. CITATION GUIDE

There is no uniform citation manual in Brazil. The following reflects common citation practices.

1.0 Constitution

Cite the Constitution by title (*Constituição Federal*) and year, followed by article referenced (*artigo*):

Constituição Federal de 1988, artigo 102.

The title and date may be abbreviated with “CF 88”, in which case there is no comma between the year and the article (“art.”):

CF 88 art. 102.

2.0 Legislation

2.1 Statutes, Laws, and Decrees

Cite statutes, laws, and decrees by type (*e.g.*, Complementar, Ordinária, Medida Provisória), serial number of the text as published in the official gazette *Diário Oficial* (using “de”), and date of publication:

Lei Complementar 65, de 15.04.1991.

Lei Ordinária 8.112, de 11.12.90.

Medida Provisória 1515, de 16.10.94.

The citation may be (and often is) abbreviated with a short title, and serial number and date separated by a slash:

LC 65/91.

L. 8.112/90.

MP 1515/94.

2.2 Codes

Cite codes by abbreviated title and number of the article:

CC art.159.

The abbreviations of major Codes are:

Civil Code: *Código Civil* (CC)
Criminal Code: *Código Penal* (CP)
Civil Procedure Code: *Código Processo Civil* (CPC)
Criminal Procedure Code: *Código Processo Penal* (CPP)
Commercial Code: *Código Comercial* (Ccom.)
Tax Code: *Código Tributário Nacional* (CTN)
Labor Code: *Consolidação das Leis Trabalhistas* (CLT)
Consumers' defense rights: *Código de Defesa do Consumidor* (CDC)
Child and Adolescent Statute: *Estatuto da Criança e do Adolescente* (ECA)
Direct Action of Unconstitutionality Act: *Lei da Ação Direta de Inconstitucionalidade* (LADIN)
Criminal Misdemeanors Act: *Lei das Contravenções Penais* (LCP)
Education Guidelines and Framework Act: *Lei de Diretrizes e Bases da Educação* (LDB)
Budgetary Directives Act: *Lei de Diretrizes Orçamentárias* (LDO)
Tax Foreclosure Act: *Lei de Execuções Fiscais* (LDF)
Civil Code Introduction Act: *Lei de Introdução ao Código Civil* (LICC)

2.3 Legal Rules

Some popular names of legal rules and their legal rule numbers are as follows:

Afonso Arinos Act: Act No. 1390, 03.07.51
Darcy Ribeiro Act: Act No. 9394, 20.12.96
Corp. Act (or S.A. Act): Act No. 6404, 15.12.76
Amnesty Act: Act No. 6683, 28.09.79
Press Act: Act No. 5250, 09.02.67
Informatics Act: Act No. 7232, 29.10.84
National Security Act: Act No. 7170, 14.12.83
Software Act: Act No. 7646, 18.12.87
Foreigners Act: Act No. 6815, 1980
Etelvino Lins Act: Act No. 6091, 15.09.74
Falcão Act: Act No. 6339, 01.07.76
Fleury Act: Act No. 5941, 22.11.73
Kandir Act: Supp. Act. No. 87, 13.09.96
Sarney Act: Act. No. 7505, 02.07.86

2.4 Treaties and Conventions

Cite treaties and conventions as described in Section 1.0 on Treaties and Conventions (on page 266), filling in the source information with the Brazilian treaty source by title (“Coleção de Atos Internacionais”) and treaty number:

[Treaty information], Coleção de Atos Internacionais, No. 30, [date of entry, etc.].

3.0 Jurisprudence

Cite cases by type of motion (see list of motions and their abbreviations below), number assigned to the case by the court, deciding court (often the chamber), and publication date:

AI 220.457, 5a. Câmara Cível do TJ/RJ, em 22.09.1990.

3.1 Courts

The most important courts in Brazil (and abbreviations) are:

Constitutional Ct: *Supremo Tribunal Federal* (STF)
High Court: *Superior Tribunal de Justiça* (STJ)
State Courts of Appeals: *Tribunais de Justiça dos Estados* (TJ)
Regional Federal Courts of Appeals: *Tribunais Regionais Federais* (TRF)
High Labor Court: *Tribunal Superior do Trabalho* (TST)
High Electoral Court: *Tribunal Superior Eleitoral* (TSE)
High Military Court: *Superior Tribunal Militar* (STM)

3.2 Motions

The abbreviations for different types of motions and appeals in Brazil are:

Recurso Extraordinário (RExt.) [only for STF]
Recurso Especial (Resp.) [only for STJ]
Apelação Cível (Ap.) [all state appeals court]
Agravo de Instrumento (AI) [all high courts]
Medida Cautelar (MC) [all courts]
Mandado de Segurança (MS) [all courts]

4.0 Books

Cite books by name of the author(s) [family name (capitalized), first name, middle name or initial], title (italicized), volume number (if appropriate), place of publication, publisher, year, and page referenced:

TORRES, Ricardo L. *Curso de Direito Financeiro*, Rio de Janeiro, Renovar, 1996, 17.

4.1 Articles in Books

Cite articles in books by name of the author(s) [family name (capitalized), first name, middle name or initial], title of the article (in quotations), “in” name of the editor(s) [first initial, family name], title of the book (italicized), volume number, place of publication, publisher, year, and page referenced:

VIEIRA, Jose Ribas. “A Constituição Federal de 1988 e um modelo de direitos fundamentais incompleto” in M. Camargo (org.), *Uma década de Constituição*, Rio de Janeiro, Renovar, 1999, 93-102.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author [family name (capitalized), first name, middle name or initial], title of the article (in quotations), “in” title of the periodical (italicized), volume (cited as “n.” and then the volume number), year, and page referenced:

NOVAES, Carlos Alberto “Dinâmica Institucional da Legislação” in *Novos Estudos Cebrap*, n.38, 1999, 45-26.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) [last name, first name], title of article (in quotation marks), title of journal, date of publication, and page referenced:

Vieira, Liszt & Bernardes, Marcia. “Pinochet e a encruzilhada dos direitos.” *Jornal do Brasil*, 17 de fevereiro de 1999, 9.

A short form sometimes is also used. Using this form, cite title of the newspaper or journal, date of publication, and page number. The name of the authors and title may also be added:

O Globo, 03 de outubro de 1992, 6.

III. SELECTED REFERENCES

PAULO BONAVIDES, *CURSO DE DIREITO CONSTITUCIONAL* (Malheiros 1997).

MARGARIDA CAMARGO, *UMA DÉCADA DE CONSTITUIÇÃO* (Renovar 1998).

Fabio Konder Comparato, *The Economic Order in Brazilian Constitution of 1988*, 38 AM. J. COMP. L. (1990).

JOSE AFONSO DA SILVA, *DIREITO CONSTITUCIONAL POSITIVO* (Malheiros 1997).

Jacob Dorlinger, *The Influence of American Constitutional Law on the Brazilian Legal System*, 38 AM. J. COMP. L. (1990).

A PANORAMA OF BRAZILIAN LAW (Jacob Dorlinger et al. eds., University of Miami North-Center 1992).

CANADA

I. COUNTRY PROFILE (Common Law)

Canada is a constitutional monarchy. Its monarch (the King or Queen of England) is the official head of state and is represented in Canada by the Governor General whose functions are merely formal. It is unanimously understood that the powers conferred upon the Monarch have fallen into desuetude and can no longer be exercised. Thus, in effect, Canada is governed by a parliamentary democracy.

Canada is a federation composed of ten provinces and three territories (two are under federal jurisdiction, one has been granted limited autonomy). The federal Parliament has two chambers: the House of Commons, where elected deputies sit; and the Senate, which is composed of individuals nominated by the Prime Minister. The Prime Minister is the head of the government and is not personally elected, but rather is the leader of the party who has the most seats in the House of Commons. The government includes members of the House of Commons, the Senate, and the Prime Minister. The legislative function is exercised by both the House of Commons (325 deputies) and the Senate. In order for a bill to be adopted, it must pass both chambers of Parliament and receive royal assent. The Senate, however, rarely refuses to pass a bill. This system of parliamentary democracy is replicated in all of the ten provinces, except that most provinces have abolished their senate. At both levels, elections must be held at least every five years, during which period the Prime Minister or Premier has discretion as to the moment to call the electors to vote.

The division of powers among the federal and the provincial units are provided for in the Constitution. Provinces have jurisdiction over, *inter alia*, administration of justice, hospitals, schools and education, municipalities, incorporation of companies with provincial objects, property and civil rights, and natural resources. They also have taxation powers that they delegate in part to cities and municipalities. Apart from these powers, ad hoc administrative agreements between the federal government and individual provinces can be concluded to modify this distribution. The federal government has jurisdiction over, *inter alia*, currency, military forces, navigation, fisheries, banks, bankruptcy and insolvency, aboriginal peoples, naturalization of aliens, divorce, criminal law, and foreign relations. The federal government also has certain prerogatives such as the power to allocate funds on issues that do not fall under its jurisdiction but that are of national interest, to adopt laws for peace, order and good government, and to legislate over matters that do not fall within either federal or provincial jurisdiction (residual jurisdiction).

The federative nature of the state is also reflected in the judiciary. The federal government has created common law courts—of first instance and of appeal (Superior Courts and Courts of Appeal)—in each province (except in Quebec). It has also created a Supreme Court of Canada. The Prime Minister nominates justices of the superior courts, courts of appeal of each province, and the Supreme Court of Canada. These justices have lifetime tenure. Moreover, the federal government has created a Federal Court and Tax Court, both of first instance and of appeal, for the better administration of the laws of Canada. The provinces have established their own courts, which deal with most criminal offenses and, in some provinces, with civil cases involving smaller amounts of money. These provincial courts may also include specialized courts such as youth and family courts. This division, however, does not automatically reflect their jurisdiction, as provincial courts apply federal laws and vice versa.

Most of Canada's legal landscape is of common law tradition. However, by virtue of its jurisdiction over property and civil rights, Quebec has chosen to be governed by a system of civil law. This makes Quebec a hybrid jurisdiction: civil law as regards private relationships and common law for its public law (administrative and criminal). French and English are the official national languages and have *de jure* an equal status (although this is not true in all provinces).

More and more, ad hoc agreements are concluded between governments and aboriginal peoples to grant them a larger autonomy over matters of concern for them. The types of delegation of powers to aboriginal peoples are too diversified to be expanded on here, but they comprise executive as well as legislative powers.

Internet Resources:

Government of Canada
<http://www.canada.gc.ca/>
Department of Justice
<http://canada.justice.gc.ca/en/>

II. CITATION GUIDE

Canada has a recognized system of legal citation, which is explained in the 'red book': McGill Law Journal, *Canadian Guide to Uniform Legal Citation*, 4th ed. (Toronto: Carswell, 1998).

1.0 Constitution

Cite the 1867 British North America Act, which serves as Canada's constitution, by name ["British North America Act, 1867" or "Constitution Act, 1867"] (italicized), volume (abbreviated "Vict."), and chapter ("c.") referenced:

British North America Act, 1867, 30 & 31 Vict., c. 3.

Constitution Act, 1867, 30 & 31 Vict., c. 3.

Cite the 1982 Constitution Act and Canada's Charter of Rights and Freedoms by name (italicized) and chapter referenced:

Constitution Act, 1982, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

Canadian Charter of Rights and Freedoms, Part I of *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

The Charter name may be abbreviated with "Canadian Charter" or simply "Charter" (italicized), followed by chapter referenced:

Canadian Charter, c. 11.

2.0 Legislation

Cite laws by title (italicized), volume by year (if possible, cite to the latest Revised Statutes of Canada, abbreviated “R.S.C.”), chapter (“c.”), section (“s.”), paragraph (“par.”), and subparagraph (“subpar.”) referenced:

Canada Labour Code, R.S.C. 1985, c. L-2, s. 14.

2.1 Provincial Legislation

The same model prevails for provincial statutes, except that the name of the volumes and the year of the last revision will vary (e.g., “R.S.O.” for Revised Statutes of Ontario).

2.2 Codes and Common Statute Abbreviations

Some statutes are referred to by accepted abbreviation. The most frequent are:

Criminal Code (C.C.)

Code of Penal Procedure (C.P.P.)

Civil Code of Quebec (C.C.Q.)

Civil Code of Lower Canada (C.C.L.C.)

Code of Civil Procedure: (C.C.P.)

2.3 Treaties and Conventions

Cite treaties and conventions as described in Section 1.0 on Treaties and Conventions (on page 266), filling in the source information with the Canadian Treaty Series by year, “Can. T.S.” and treaty number:

[Treaty information], 1950 Can. T.S. No. 1, [date of entry into force, etc.].

3.0 Jurisprudence

Cite cases by the name of the parties (italicized) separated by “v.” (not italicized), year (when the year corresponds to the year of the volume (for all relatively recent cases), the year is placed in square brackets; when it does not (for older cases), the year is in parentheses), volume and, if there is more than one volume in a year, the name of the volume, page on which the case begins, followed by the word “at” and page referenced:

R. v. Seaboyer, [1991] 2 S.C.R. 577 at 590.

If the name of the volume does not indicate which court decided on the case, the name of the court must be added in an abbreviated form in parentheses after the citation, but before the page number of the actual reference.

3.1 Reporters

Main case reporters and abbreviations are:

Supreme Court Reports (S.C.R.)
Canadian Criminal Cases (C.C.C.)
Canadian Criminal Reports (C.C.R.)
Dominion Law Reports (D.L.R.)
Ontario Reports (O.R.)
Rapports Juridiques du Québec (R.J.Q.)

4.0 Books

Cite books by name of the author(s) [first name, family name], title (italicized), volume (if applicable), edition, publication information [city: publisher, year of publication] (in parentheses), the word “at” and page referenced:

P.W. Hogg, *Constitutional Law of Canada*, 3rd ed. (Toronto: Carswell, 1992) at 322.

4.1 Articles in Books

Cite articles in books by name of the author(s) [first name, family name], title of the article (in quotation marks), the word “in”, name of the editor(s) [first initial, family name], “ed.” or “eds.”, title of the book (italicized), publishing information [city: publisher, year of publication] (in parentheses), the word “at” and page referenced:

R. Veinott, “Child Custody and Divorce: A Nova Scotia Study, 1866-1910” in P. Girard & J. Philips, eds., *Essays in the History of Canadian Law*, vol. 3, *Nova Scotia* (Toronto: University of Toronto Press, 1990) at 273.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [first name, family name], title (in quotation marks), year (in parentheses), volume, abbreviated name of the journal, page on which the article begins, the word “at”, and the page referenced:

S.J. Toope, “Cultural Diversity and Human Rights (F.R. Scott Lecture)”, (1997) 42 McGill L.J. 169 at 184.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) [first initial, family name], title of article (in quotation marks), title of newspaper or journal (italicized) and location (in brackets) if not apparent from the title, date of publication (in parentheses), and section or page referenced:

J.Grey, “Yes to Quebec, No to Its Extreme Demands”, *The Gazette [Montreal]* (17 April 1991) B3.

7.0 Official Publications

Cite official publications by jurisdiction (if it does not appear in the title), name of the legislative assembly (if it does not appear in the title), title (italicized), issue (if applicable), date (in parentheses), and the word “at” followed by page referenced:

Nova Scotia, House of Assembly, *Debates and Proceedings*, No. 85-29 (18 April 1985) at 1343.

8.0 Unpublished Materials

Cite unpublished materials by author [first initial, middle initial(s), family name], title (italicized), type of document, institution and year in parentheses, followed by the word “unpublished” (in square brackets):

Tom Dooney, *An Ode to Canadian Legal Materials*, Master’s thesis, (Faculty of Law, McGill University, 1968) [unpublished].

9.0 Citation of Electronic Material

Cite electronic materials according to the standards explained above, followed by the word “online:”, name of the organization, Uniform Resource Locator (in triangle brackets), and, if available on the site, the date of the last modification preceded by “last modified:” (in parentheses):

R. v. Logan (15 December 1995), Port Hardy 9317 (B.C. Prov. Ct.), online: Electronic Frontier Canada <<http://www.insight.dcss.mcmaster.ca/org/efc/pages/law/court/R.v.Logan.html>> (last modified: 9 February 1996).

10.0 Unwritten Sources

There are no formal citation standards for unwritten sources.

III. SELECTED REFERENCES

GÉRALD A. BEAUDOIN & ERROL MENDES, *THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS* (3d. ed. Carswell 1996).

HENRI BRUN, *DROIT CONSTITUTIONNEL* (3d. ed. Yvon Blais 1996).

PETER HOGG, *CONSTITUTIONAL LAW OF CANADA* (3d. ed. Carswell 1992).

CHINA

Zhonghua Renmin Gongheguo (People's Republic of China)

I. COUNTRY PROFILE (Civil Law)

China is divided into twenty-two provinces, five autonomous regions, the Hong Kong Special Administrative Region (HKSAR), the Macau Special Administrative Region (MSAR), four municipalities (Beijing, Shanghai, Tianjin and Chongqing) that are under the direct control of the central government. China considers Taiwan to be its twenty-third province. The official language is Mandarin.

The Constitution of the People's Republic of China of 1982 (amended in 1988, 1993, and 1999) established a parliamentary regime, with the Chinese Communist Party as the permanent ruling party. Under the Constitution, all power belongs to the Chinese people. The organs through which the people exercise state power are the National People's Congress (NPC) and local people's congresses at various levels. The NPC is the highest organ of state power, which, together with its permanent body, the Standing Committee of the NPC, exercises the legislative power of the state. All administrative, judicial, and prosecutorial organs of the state are created by the people's congresses, to which they are responsible and under whose supervision they operate. The NPC is elected for a term of five years. It has the power to supervise the enforcement of the Constitution and to enact and amend basic statutes concerning criminal offenses, civil affairs, state organs, and other matters. The NPC also has the power to elect the head of the nation (the President, or, literally, State Chairman, *Guojia Zhuxi*), the President of the Supreme People's Court (*Zuigao Renmin Fayuan Yuanzhang*) and the Procuratorate-General of the Supreme People's Procuratorate (*Zuigao Renmin Jianchayuan Jianchazhang*). The Standing Committee of the NPC has the power to interpret the Constitution and to supervise its enforcement, to interpret statutes, and to enact and amend statutes with the exception of those that should be enacted by the NPC. The Standing Committee also has the power to annul administrative regulations and rules of the State Council that contravene the Constitution or statutes.

The State Council of the People's Republic of China is the highest organ of state administration. It is vested with power by the Constitution to enact administrative regulations and rules, and to issue decisions and orders in accordance with the Constitution and statutes. The head of the State Council is the Premier, who has the overall responsibility for the performance of the executive functions of the government.

China is a civil law country. The main sources of law are the Constitution (*Xianfa*), statutes enacted by the NPC or its Standing Committee (*falü*), administrative regulations issued by the State Council (*Xingzheng Fagui*), administrative rules issued by those departments under the State Council (*Xingzheng Guizhang*), local regulations (*difang xing fagui*), and interpretations of laws including legislative interpretations (*lifa jieshi*), judicial interpretations (*sifa jieshi*) and administrative interpretations (*xingzheng jieshi*). The judicial interpretations of the Supreme People's Court serve an unofficial, quasi-legislative role in China's legal system. Like most civil law systems, however, previous rulings of higher courts are not binding on lower courts in China. China amended its Constitution in March 2004, to formally provide private property and human rights protections.

The two special administrative regions retain the legal traditions of their former colonial regimes. Hong Kong (HKSAR, see page 77) is a former British colony that was returned to

mainland China in 1997, but which keeps its common law traditions. Macau (MSAR) is a former Portuguese colony that was returned to mainland China in 1999, but which maintains a legal system similar to Portugal. The prior laws in HKSAR and MSAR remain in force, but new laws must not violate each region's respective Basic Law, enacted by the NPC.

China's courts consist of the Supreme People's Court (*Zuigao Renmin Fayuan*), local people's courts at various levels (*difang geji renmin fayuan*), military courts (*junshi fayuan*), and other special people's courts (*zhuanmen renmin fayuan*), for example, railway courts and maritime courts. The local people's courts are divided into the following levels: Basic People's Courts (*Jiceng Renmin Fayuan*) (court of first instance), Intermediate People's Courts (*Zhongji Renmin Fayuan*) (court of first instance and court of appeal), and High People's Courts (*Gaoji Renmin Fayuan*) (court of first instance and court of appeal at the level of provinces, autonomous regions, and municipalities directly under the central government). Excepting special courts, every court is usually subdivided into institutions such as the criminal division, civil division, intellectual property division, and enforcement division.

Internet Resources:

Chinese People's Political Consultative
Conference
<http://www.cppcc.gov.cn>
The Supreme People's Court
<http://www.court.gov.cn>

The Ministry of Foreign Affairs
<http://www.fmprc.gov.cn>
Ministry of Commerce
<http://english.mofcom.gov.cn/>

II. CITATION GUIDE

There is no official legal citation guide in China. The official system for transliterating Chinese names and places into Roman letters is the pinyin system, though there are multiple variations within this system. The following reflects common citation practices in the country transliterated into the Roman alphabet.

1.0 Constitution

Cite the Constitution and amendments by abbreviated title (Xianfa), article, section, and year (in parentheses):

Xianfa art. 35, sec. 1 (1982).

The abbreviations of the Constitution and its amendments are:

Constitution of the People's Republic of China of 1982: *Zhonghua Renmin Gongheguo Xianfa*, 1982 (Xianfa (1982)).
Amendment to the Constitution of the People's Republic of China of 1988: *Zhonghua Renmin Gongheguo Xianfa Xiuzhengan*, 1988 (Xianfa Xiuzhengan (1988)).
Amendment to the Constitution of the People's Republic of China of 1993: *Zhonghua Renmin Gongheguo Xianfa Xiuzhengan*, 1993 (Xianfa Xiuzhengan (1993)).
Amendment to the Constitution of the People's Republic of China of 1999: *Zhonghua Renmin Gongheguo Xianfa Xiuzhengan*, 1999 (Xianfa Xiuzhengan (1999)).

2.0 Legislation

2.1 Statutes, Regulations, and Rules

Cite statutes, regulations, and rules by title, section (including article and paragraph if appropriate), year of enactment (in parentheses), official publication in which it is published, and page referenced:

Civil Procedure Law of the People's Republic of China, art. 44 (1991), *Zhonghua Renmin Gongheguo Falu Huibian*, 123.

2.2 Legislative, Administrative, and Judicial Interpretations

Cite legislative, administrative, and judicial interpretations by title, article, year (in parentheses), and official publication in which it is published:

The Supreme People's Court Interpretation on Questions Concerning Foreign Interests, art. 2 (1985), *Zuigao Renmin Fayuan Gongbao*.

2.2.1 Official Publications

The official publications are:

For statutes: *Zhonghua Renmin Gongheguo Falu Huibian*.

For administrative regulations and rules: *Zhonghua Renmin Gongheguo Fagui Huibian*.

For local regulations and rules: *Zhonghua Renmin Gongheguo Difang Xing Fagui Huibian*.

For legislative interpretations: *Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui Gongbao*.

For administrative interpretations: *Guowuyuan Gongbao*.

For judicial interpretations: *Zuigao Renmin Fayuan Gongbao*.

2.3 Treaties and Conventions

Cite treaties and conventions as described in Section 1.0 on Treaties and Conventions (on page 266), filling in the source information with the Chinese Treaty Series by year, series title (*Zhonghua Renmin Gongheguo Tiaoyue Ji*), and page referenced:

[Treaty information], 1955 *Zhonghua Renmin Gongheguo Tiaoyue Ji* 1, [date of entry, etc.].

3.0 Jurisprudence

Cite cases by names of parties (separated by a “v.”), reporter, year, name of the court and decision date if available (in parentheses) (or alternatively the case number in the reporter), followed by the word “at” and page referenced:

China People's Insurance Corp. v. Foxtort Company Ltd., *Renmin Fayuan Anlixuan*, 1997 No. 4, at 264.

There is no comprehensive system of official reports of jurisprudence. One preferred, unofficial publication commonly used by practitioners is *Renmin Fayuan Anlixuan* (Selected Cases of People's Courts, edited by China Legal Studies Institute of the Supreme People's Court).

3.1 Courts

Chinese Courts include:

Supreme People's Court (first instance and last appeal on any matter): *Zuigao Renmin Fayuan*

High People's Court (first instance and last appeal for provinces, etc.): *Gaoji Renmin Fayuan*

Intermediate People's Court (first instance and appeals): *Zongji Renmin Fayuan*

Basic People's Court (first instance): *Jiceng Renmin Fayuan*

Military Courts: *Junshi fayuan*

3.2 Reports

Reports of jurisprudence include:

Zuigao Renmin Fayuan Gongbao

Zongguo Fazhibao

Minzhu yu Fazhi

Anli Xuanbian

4.0 Books

Cite books by name of the author(s) [family name, given name, with no intervening comma for Chinese names], title (in small caps) and, if desired, translation (in square brackets), the word "at", page referenced, and edition number, publisher and publication date (in parentheses):

Jiang Ping, ZHONGGUO GONGSIFA JIAOCHENG [TEXTBOOK OF CHINA'S COMPANY LAW], at 5 (1st ed., Law Publishing House, 1993).

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [family name, given name, with no intervening comma for Chinese names], title of the article and, if desired, translation (in square brackets), volume number (if any), periodical name (in small caps) and, if desired, translation (in square brackets), publication date, page number on which the article begins, and page referenced:

Li Songying & Wang Shejie, Jianli Woguo Falü Yuanzhu Zhidu Guanjian [A View on the Establishment of China's Legal Aid System], LUSHI SHIJIE [LAWYER WORLD], May 1996, 34.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) [family name, given name, with no intervening comma for Chinese names], title of the article and, if desired, translation (in square brackets), title of the newspaper (in small caps) and, if desired, translation (in square brackets), date of publication, page on which the article begins, and page referenced:

Gong Yiwei & Chen Yonghu, Qiantan Jingji Hetong Zhongcai Jiguan de Zhixingquan [A Brief Discussion of the Execution Power of the Economic Contract Arbitration Organs], SHANGHAI FAZHI BAO [SHANGHAI LEGAL SYSTEM NEWS], Oct. 12, 1987, 6, 8.

7.0 Official Publications

Cite official publications by title (including the name of the issuing state department) and, if desired, translation (in square brackets), reference number (if any), issue date, page on which the materials cited begin, and page referenced:

Sifa Bu Guanyu Kaizhan Falǔ Yuanzhu Gongzuo de Tongzhi [Ministry of Justice's Notice Regarding the Development of Legal Aid], May 21, 1997, 2.

8.0 Unpublished Materials

Cite unpublished materials by name of the author(s) [family name, given name, with no intervening comma for Chinese names], title and, if desired, translation (in square brackets), page referenced (if applicable), date the materials will be available (if any), and information as to where the work can be located if available:

Xu Yong, Zhongguo Xingshi Falǔ Zhidu Yanjiu [Research on China's Criminal Legal System], Oct. 1996 (unpublished paper on file with author).

9.0 Citation of Electronic Material

There are no special rules available.

10.0 Unwritten Sources

Cite unwritten sources—such as interviews, speeches and addresses, and talks broadcast by radio or television—by name of the interviewee or speaker, title of the speech, location, and date (in parentheses):

Prof. Wang Yaxin, Presentation at the Meeting of China's Legal Education, Beijing (June 1, 1998).

III. SELECTED REFERENCES

WANG CHENGUANG & ZHANG XIANCHU (EDS.), *INTRODUCTION TO CHINESE LAW* (Sweet & Maxwell Asia, 1997).

C. W. CHIU, *LEGAL SYSTEM OF THE PRC* (Longman Group, 1997).

CHRIS HUNTER (ED.), *A GUIDE TO THE LEGAL SYSTEM OF THE PRC* (Asia Law & Practice, 1997).

STANLEY B. LUBMAN, *CHINA'S LEGAL REFORMS* (Oxford University Press, 1996).

CZECH REPUBLIC

Ceska Republika

I. COUNTRY PROFILE (Civil Law)

The Czech Republic was established on January 1, 1993 as one of the two successor states to the peacefully divided Czechoslovakia. Its capital is Praha (Prague), and its official language is Czech. The Czech Republic is a parliamentary democracy. It is comprised of thirteen Administrative Regions (*kraje*) and the Capital City (*hlavni mesto*). The legal system is a civil law system based on Austro-Hungarian codes. The Constitution of the Czech Republic explicitly defines civil rights, the relationship between the executive and legislative branches of power, and the independence of the judiciary. The constitutional institutions include the President (Chief of State), the Parliament (comprising the Chamber of Deputies and the Senate), the Government (comprising the Prime Minister, as Head of Government, the Deputy Prime Minister and Ministers), the Constitutional Court, the system of courts (including the Supreme Court, the Supreme Administrative Court and superior, regional and district courts) and others.

The President is elected to a term of five years by the members of both chambers of Parliament; the President may serve a maximum of two successive terms in office. Although presidential power is limited, the President retains the right to veto any bill passed by Parliament, with the exception of constitutional bills. This power is void in times of constitutional or other political crises.

Parliament consists of two chambers: the Chamber of Deputies (*Poslanecká sněmovna Parlamentu České republiky*) and the Senate (*Senát Parlamentu České republiky*). Members of both the Chamber of Deputies and the Senate are directly elected by the people. The Chamber of Deputies consists of 200 deputies who are elected to terms of four years on the basis of proportional representation. Political parties must obtain at least five percent of the popular vote in order to gain seats in the Chamber. The President may dissolve the Chamber of Deputies as outlined in Article 35 of the Constitution. The Senate consists of eighty-one senators elected to six-year terms on the basis of majority vote; every two years, one-third of the Senate's members come up for election. The Senate cannot be dissolved.

Parliament passes all bills and expresses approval of important international treaties. It decides the most important acts of state, such as declaring war or approving the deployment of foreign armies on Czech soil. A resolution by a parliamentary chamber is passed by a clear majority of deputies or senators present. A constitutional bill or an international treaty must be approved by 60 percent of the total number of deputies and senators present. All bills are introduced in the Chamber of Deputies. Individual deputies, groups of deputies, the Senate, the Cabinet, and local or regional representatives all possess the right of legislative initiative. Once a bill is passed by the Chamber of Deputies, it is sent to the Senate which has the power to veto it, send it back to the Chamber of Deputies with amendments, or table the bill.

The Constitutional Court (*Ústavní soud*) is a separate judicial body whose duty is to protect constitutional rights. It consists of fifteen Justices who are appointed to ten-year terms by the President with the consent of the Senate. Constitutional Court Justices are bound only by constitutional laws, international treaties, and by a law designating the proceedings of the Constitutional Court.

The Supreme Court (*Nejvyšší soud České republiky*) is the supreme judicial body in all matters except those within the jurisdiction of the Constitutional Court and the Supreme

Administrative Court. Supreme Court Justices are appointed for life by the President. Their decisions are bound only by law, and they are empowered to determine whether other legal regulations are in accordance with the law. The Supreme Court's docket mainly consists of appeals on issues of law arising from appellate court decisions, and in recognizing and enforcing foreign judgments.

Internet Resources:

Prague Castle (President)

<http://www.hrad.cz>

The Czech Republic Government

<http://www.vlada.cz>

Parliament - Chamber of Deputies

<http://www.psp.cz>

Parliament – Senate

<http://www.senat.cz>

The Constitutional Court

<http://www.concourt.cz>

The Supreme Court

<http://www.nsoud.cz>

II. CITATION GUIDE

There is no formal uniform code of citation in the Czech Republic and no common practice.

0.1 Common Abbreviations

Common abbreviations and words include number (č.), statute (zákon), constitutional (Ústavní), section (odst.), paragraph (pism.), reporter (Sbírka, abbreviated as Sb.).

1.0 Constitution

Cite the Constitution (*Ústavní zákon České republiky*) by number (č), section (odst.), paragraph (pism.), and other subdivision(s), followed by the abbreviation “Ústavy ČR”:

Č 1.63 odst. 1 pism. a) Ústavy ČR.

There are various other foundational sources of law, including: *Ústavní zákon o bezpečnosti České republiky* (zákon č. 110/1998 Sb.); *Ústavní zákon o změnách státních hranic se Slovenskou republikou* (zákon č. 74/1997 Sb.).

2.0 Legislation

2.1 Statutes, Laws, and Decrees

2.1.1 Vernacular Form

In the common form, cite statutes, laws, and decrees by section (odst.), paragraph (pism.), subdivision(s) (if any), and title (often abbreviated):

§ 25 odst. 1 pism. a) AZ.

Legislation is commonly referred to by a short title (*e.g.*, *Autorský zákon* for Copyright Act) or an abbreviated, vernacular form (*e.g.*, “AZ”).

2.1.2 Formal Form

In the rarely used standard form, cite statutes, laws, and decrees by the word “Zákon”, number (č.) and year (separated by a back slash), the publication in which it is published (Sbírka, abbreviated “Sb.”, followed by the publication’s name, *e.g.*, “Sb. zákonů”), and full title:

Zákon č. 121/2000 Sb. o právu autorském, o právech souvisejících s právem autorským a o změně některých zákonů.

2.2 Codes

The abbreviations of major Codes are:

Civil Code: *Občanský zákoník* (OZ)
Commercial Code: *Obchodní zákoník* (ObchZ)
Criminal Code: *Trestní zákon* (TZ or TrZ)

3.0 Jurisprudence

In the common form, cite cases by abbreviated name of the reporter in which it is published (sometimes with the volume number preceding it), case number, and year (often abbreviated to the final two digits, but may be four digits):

R 13/97.

In the rarely used standard form, the reporter’s full name is written out (*e.g.*, “Sbírka soudních rozhodnutí a stanovisek”), followed by case number (č. __), and year.

3.1 Reports

The two major reporters are abbreviated by “N” (the Collection of Constitutional Court’s decisions and opinions) and “R” (the Collection of Courts’ decisions and opinions).

Unreported cases are not cited.

4.0 Books

Cite books by name of the author(s) [family name, first initial], title, publisher, place of publication, and date. For monograph commentary, add the word “(komentář)” after the title of the law commented upon:

Telec, I.: *Autorský zákon (komentář)*. C.H. Beck, Praha 1997.

Widely used monograph publications include: Štanglová a kol.: Obchodní zákoník, Komentář. C. H. Beck, 6. vyd., Praha 2001; Švestka a kol.: Občanský zákoník, Komentář. C. H. Beck, 6. vyd., Praha 2001.

5.0 Articles in Periodicals

Cite articles in periodicals by title of the article, title of the periodical (sometimes abbreviated), and volume and year (separated by a back slash):

Title, BA 10/2001.

Major publications include Bulletin advokacie (BA); Právní rozhledy (monthly), Trestní rozhledy (monthly), Trestněprávní revue (monthly), Ad Notam (bimonthly). The titles of the latter four must be cited in full.

DENMARK

Kongeriget Danmark (Kingdom of Denmark)

I. COUNTRY PROFILE (Elements of Civil and Common Law)

The Kingdom of Denmark is a constitutional monarchy. The Constitution was originally adopted in 1849 and was most recently amended in 1953. Formally, the Constitution confers substantial powers on the monarch, but in reality the monarch's functions are largely ceremonial. The monarch appoints the Prime Minister and the Cabinet Ministers, but, apart from one instance in the early Twentieth Century, the monarch has summarily approved the candidates proposed by the leader of the party or parties who hold a majority of the seats in Parliament (*Folketinget*). Furthermore, the Ministers may be dismissed at any time by a parliamentary vote of no confidence. The state is divided into three branches. The executive power is vested in the Government (*Regeringen*), which is usually comprised of members of Parliament; the legislative power is vested in Parliament; and the judicial power is vested in the Judiciary (*Domstolene*).

The state administration is divided between the central administration and the municipal authorities. The central administration, or Government, is headed by the Prime Minister (*Statsministeren*) and twenty Cabinet Ministers (*ressortministre*). Each Cabinet Minister heads a ministry, which is a special area of administration. The ministries are most often organized in departments and directorates. The local administration outside the two old metropolitan areas of Copenhagen and Frederiksberg consists of fourteen County Councils (*amtskommuner*) and 275 City or District Councils (*primaerkommuner*). The city and district councils enjoy substantial exclusive powers, conferred on them directly by Section 82 of the Constitution.

The 1953 Constitution establishes a unicameral Parliament which consists of 179 members, two of whom are from the Faeroe Islands and two from Greenland. Members of parliament are directly elected by the people. Democracy is safeguarded not only by the Constitution (*Grundloven*) but also by the Parliamentary Election Act of Denmark (*Folketingsvalgloven*), which establishes an electoral system based upon proportional representation. Elections are held every four years, unless Parliament is dissolved by the Prime Minister in the interim. The legislative and the executive powers are balanced against each other in the sense that a parliamentary majority is needed in order to pass bills, and, as noted above, the members of Parliament may overthrow an individual Minister or the entire Government by a vote of no confidence. On the other hand, the Prime Minister can dissolve the parliament at any time in the hope of obtaining a more stable majority.

The courts are organized in a hierarchical three-tiered system. At the bottom level, City Courts (*Byretten*) are organized in eighty-two districts. Above the District Courts are Eastern and Western High Courts (*Landsretten*). The highest court of the country is the Supreme Court (*Højesteret*). Among other things, cases involving constitutional or administrative claims are dealt with in these courts. In addition to the ordinary courts, there are courts that deal only with special areas of law, for instance the Maritime and Commercial Courts. The jury system is only used in cases of capital criminal offenses.

Denmark joined the European Union (EU) in 1973. Legal acts of the EU, which are called Regulations (*forordninger*), are directly applicable to Danish citizens when they have been published in Danish in the Official Journal of the European Union. EU directives, on

the other hand, do not bind Danish citizens before they have been given legal force by legislation.

Greenland and the Faeroe Islands are part of the Kingdom of Denmark, but are largely self-governing. Legislation formally comes under the Danish Folketing, which includes two representatives from Greenland and the Faeroes respectively, but, in practical terms, the local governments of Greenland and the Faeroe Islands administer almost all legislative matters in their respective areas.

Internet Resources:

Parliament

<http://www.ft.dk>

Prime Minister

<http://www.stm.dk>

Judiciary

<http://www.domstol.dk>

The Foreign Ministry

<http://www.um.dk>

II. CITATION GUIDE

Denmark has no uniform national citation manual. There are, however, some commonly accepted practices, but they are not followed by all authors. It is general practice to write out the full name of the material cited the first time the source is mentioned, followed by an abbreviation for subsequent citations.

1.0 Constitution

Cite the Constitution by abbreviated name (“Grundloven”, “GRL” or “Grl”; the formal name “Danmarks Riges Grundlov” is rarely used), followed by “Lov nr.” (law number) and serial number, and date of promulgation:

Grl, Lov nr. 169 af 5.6.1953.

2.0 Legislation

2.1 Statutes, Laws, and Decrees

Cite statutes, laws, and decrees by “Lov nr.” (law number) and serial number, followed by “af” (of), date, and, usually, the official title of the law:

Lov nr. 274 af 22.12.1908 om foraeldelse af visse fordringer.

When a law has been amended, the citation should include the original law followed by the citations of the amending law(s) in chronological order (italicized), adding the phrase “som ændret ved” (as changed by):

Lov nr. 188 af 9.5. 1984 om gennemførelse af konvention om, hvilken lov der skal anvendes paa kontraktlige forpligtelser m.v. *som ændret ved lov nr. 305 af 16.5. 1990.*

When a law has been amended a number of times, an official incorporation of the amendments will be made and a *lovbekendtgørelse* will be published. If this is the case, cite to the *lovbekendtgørelse*. In cases of further amendment, the citation should refer to the *lovbekendtgørelse* and to the amending laws:

Lovbekendtgørelse nr. 28 af 21.1.1980 om koeb *som ændret ved lov nr. 733 af 7.12.1988, lov nr. 271 af 2.5. 1990 og lov nr. 1098 af 21.12.1994* [The Sale of Goods Act].

“L” is sometimes used as an abbreviation for lov (law), followed by the year of adoption and serial number of the legislation (although it is rarely seen):

L 1996 1048.

Lbkg is sometimes used as an abbreviation of *lovbekendtgørelse*, again followed by the year of adoption and the serial number of the legislation (and other information as appropriate):

Lbkg 1996 612 som ændret ved L 1996 1048, L 1996 1056 og L 1997 456.

2.2 Codes

The abbreviations of major Codes are:

Sale of Goods: <i>Koebeloven</i> (Kbl)	Civil/Criminal Procedure: <i>Retsplejeloven</i> (Rpl)
Law of Contracts: <i>Aftaleloven</i> (Aftl)	Penal Code: <i>Straffeloven</i> (Strfl)
Promissory Notes: <i>Gaeldsbrevsloven</i> (Gbl)	Public Administration: <i>Forvaltningsloven</i> (Fvl)
Corporate Law: <i>Aktieselskabsloven</i> (Asl)	Public Discourse: <i>Offentlighedsloven</i> (Offl)
Tort Law: <i>Erstathingsansvarsloven</i> (Eal)	

Cite codes by title followed by the “§” symbol and the referenced article:

Kbl § 24.

Cite laws that are based on international agreements by article instead of section, using the term “artikel”:

EMRK artikel 6 [The European Convention on Human Rights].

2.3 Regulations

Cite regulations by type (“bekendtgørelser” or “cirkulaerer”, abbreviated as “bkg” or “cirk” respectively), serial number, date, and title:

Bekendtgørelse nr. 232 af 23.11. 1933 om udledning af kulbrinte.

Regulations issued under the authority of an adopted law are called *bekendtgørelser* (not to be confused with *lovbekendtgørelser* described above). They have the legal effect of laws, and most detailed regulation is found in the *bekendtgørelser*. Internal regulations by state administration are called *cirkulærer*. These are important when researching the internal guidelines but cannot confer duties to the citizens of Denmark.

Laws and regulations (*bekendtgørelser*) are published in *Lovtidende* and internal regulations (*cirkulærer*) are published in *Ministerialtidende*.

3.0 Jurisprudence

Cite cases by reporter title, year of decision, reporter page, and a reference to the court which decided the case:

UfR 1989.672 H.

Alternatively:

U 83/345 SH.

Cases are published in the *Ugeskrift for Retsvaesen* (“UfR” or simply “U”), though not all cases are published.

3.1 Courts

The courts are entitled (and abbreviated) as follows:

Supreme Court: *Hojesteret* (H)
High Court: *Landsretten* (L)
Maritime and Commercial Court: *Soe- og Handelsretten* (SH)
Town Courts: *Byretten* (B(R))

Note: For the High Court, sometimes V(L) or OE(L) (or simply VL or OEL) is used to refer to the Eastern or Western High Court respectively. Decisions from smaller specialized courts are sometimes published in smaller reporters.

4.0 Books

Cite books formally by name of the author(s) [first name, middle initial (if any), family name], title (often italicized), volume, edition, place of publication, publisher, year, and page referenced. This form, however, is very rarely used. Normally, authors cite books by name of author(s), title (often italicized), edition, year, and page referenced:

Myres S. McDougal, Harold D. Lasswell og James C. Miller, *The Interpretation of International Agreements and World Public Order* (udgave, 1994) 2.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [first name, middle initial (if any), family name], title of the article (in quotation marks), volume (or year) of periodical, title of periodical (often abbreviated), year (if not already cited), page on which the article begins, and “s.” followed by page referenced:

Ole Spiermann, “Om Staters Suveraenitet”, 1996 TfR 575, s. 640-43.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) [first name, middle initial (if any), family name], title of article, name of journal (in quotation marks), date [day/month-year], and “s.” followed by page referenced:

Peter Hækkerup, “Tiden gaar”, Berlingske Tidende, 28/11-1998, s. 10.

7.0 Official Publications

Cite official publications by governmental department (or source), title, name of publication, reference number (if applicable), date [day/month-year], and “s.” followed by page referenced:

Finansdirektoratet, eksportdirektivet, Eksportnyt, 19/12-1974, s. 12.

8.0 Unpublished Materials

Cite theses by name of the author(s) [first name, middle initial (if any), family name], title, university, year, and number of pages followed by “sider”:

Hans Toft, EU og Grundloven, Koebenhavns Universitet, 1990, 55 sider.

Cite other unpublished materials by name of the author(s) [first name, middle initial (if any), family name], title of collection (if any), volume (if any), reference number (if any), and location of the material.

9.0 Citation of Electronic Material

There are no special citation methods for electronic material. Jurisprudence compiled in electronic databases should be cited according to the guidelines described above.

10.0 Unwritten Sources

Cite interviews, talks broadcast by radio or television, and speeches or lectures by name of the person speaking, title of speech, nature of source, place, and date:

Poul Nyrup, *Europas Fremtid*, tale i Faelledparken, 1. maj 1994.

III. SELECTED REFERENCES

HANS GAMMELTOFT-HANSEN ET AL., DANISH LAW: A GENERAL SURVEY (G.E.C. Gads 1982).

EGYPT

Jumhuriyat Misr al-Arabiyyah (The Arab Republic of Egypt)

I. COUNTRY PROFILE (Civil Law)

The Arab Republic of Egypt is a parliamentary republic with a strong head of state. The official language is Arabic. Egypt is divided into twenty-six Governorates (*muhafazat*, singular: *muhafazah*), with sub-units of cities and villages. Governors and mayors are appointed by the central government, while local councils are directly elected by the people.

Egyptian law has its roots in the Islamic legal tradition. While Sharia (the uncodified body of Islamic law and practices based on the Qur'an and Sunnah) as interpreted through the teachings of the Hanafi school of thought has recently reemerged as a force in modern Egyptian legal development, the country remains a secular Arab nation. Egypt has elements of both a common and civil law system.

Egypt's Constitution is contained in an act promulgated on September 11, 1971, with amendments ratified in 1980. It establishes Egypt as a secular Arab state, and bans religiously-based political parties. The Constitution also establishes a parliamentary system, but grants the head of state wide powers. The President is head of state and is directly elected to a 6 year term by the people, following the approval of his candidacy by the National Assembly. The President may appoint one or more vice presidents, a prime minister, vice prime ministers, other cabinet ministers, and may and dismiss these officers at any time.

General legislative power is vested in the two houses of Parliament: the 454-member People's National Assembly (*Majlis al-Sha'b*) and the 264-member Shura (consultative) Council (*Majlis al-Shura*). 444 members of the People's Assembly are popularly elected, although the Constitution requires that at least half of the Assembly's membership be "workers and peasants," and the President has the right to appoint ten members. Members serve five year terms, although the President may dissolve Parliament at any time. The Shura Council's role is consultative. 176 of its members are directly elected by the people, and eighty-eight are appointed by the president. Members serve six-year terms. Although legislation is the primary source of law, the writings of the Muslim *Hanafi* school are applicable to matters of family law, and non-Muslim citizens may fall under Christian or Jewish canon law if applicable.

The President and the members of the People's Assembly may propose legislation, although legislation proposed by Assembly members must be referred first to a special committee to assess its suitability for consideration by the Assembly. Acceptable draft laws are referred to a committee of the Assembly for a report. Once legislation is ratified by the People's Assembly, it is submitted to the president, who must approve or veto the legislation within thirty days. A presidential veto can be overruled by a two-thirds majority of the People's Assembly. If the President neither approves nor vetoes the legislation within thirty days, the legislation becomes law.

The Constitution also establishes the Judiciary, and specifies that it shall be independent and subject to no authority but the law. The organization of the State Security Courts, their competencies, and the conditions that must be fulfilled by judges are prescribed by law. A separate administrative court system, the Council of State (*Maglis id-Dowla*),

handles cases involving the state. The Supreme Judicial Council, whose members are drawn primarily from the Judiciary, supervises the appointment, promotion, and transfer of judges.

The Supreme Constitutional Court (*Mahkamat al-Naqd*) consists of seven judges appointed by governmental decree. This Court has exclusive jurisdiction over every case concerning the constitutionality of laws, rules, and regulations. The judgments issued by the Court in constitutional cases and its legislative interpretations are published in an Official Gazette.

The lower courts, the Summary Tribunals (*Mahakim Guz'iya*) and the Summary Tribunals of First Instance (*Mahakim Kulliya*), are divided into civil and criminal courts. The final court of appeal in both civil and criminal matters is the Court of Cassation, sometimes referred to as the Supreme Court (*Al Maharama al-Dusturiya*). It consists of five judges, and generally hears appeals from the judgments of the Courts of Appeal and assize courts on the grounds of violation of the law or grave procedural error. It may reverse the decision of the lower court, and, in certain instances, may decide a case on the merits. Recently, a special Administrative Court was established to deal with certain cases involving the administrative issues.

Internet Resources:

Egypt State Information Service

<http://www.sis.gov.eg>

Political System

<http://www.sis.gov.eg/egyptinf/politics/html/polfrm.htm>

Parliament

<http://www.sis.gov.eg/parl/html/parliam.htm>

Constitution

<http://www.sis.gov.eg/egyptinf/politics/parliament/html/constit.htm>

Cabinet

<http://www.sis.gov.eg/egyptinf/politics/html/polfrm.htm>

II. CITATION GUIDE

There is no formal citation standard used in Egypt. The following standards are general practice in transliterated English usage.

1.0 Constitution

Cite the Constitution by title followed by a transliteration of the Arabic title (in parentheses), abbreviation (in square brackets), section, and article, and the word “In” (underlined) followed by title of the official gazette in which the Constitution is published (abbreviated Egy OG), date, volume, and page referenced:

Constitution of the Arab Republic of Egypt (*Dustur Juinhuriyat Misr al-Arabiya*) [Egy const.] of September 11, 1971, sec. II, art. 9. In Egy OG of September 12, 1971, vol. 14th year, no. 36 bis (a), p. 13.

A subsequent shorter form abbreviates the Constitution’s name and provides the section and article referenced:

Egy Const, art. 10.

2.0 Legislation

2.1 Codes

Cite codes by title followed by a transliteration of the Arabic title (in parentheses), article, abbreviation (in square brackets), and the word “In” (underlined) followed by title of the official gazette in which the code is published (abbreviated Egy OG), date, volume, and page referenced:

Civil and commercial Procedure code of Egypt (*Qanun al-Murafa at al-Madaniyah wa al-Tjariyah*) [Egy CivComPC] of May 7, 1968, art. 2. In Egy OG of May 9, 1969, no. 19, p. 245.

An abbreviated title of the code may also be used, followed by the article referenced:

Egy CivComPC, art. 1.

The abbreviations of major Codes are:

Egyptian Civil Code: *al-Qanun al-Madani* (Egy CivC)

Commercial Code of 1883

Maritime Commercial Code of 1883

Criminal Code: *Qanun al-Ugubat* (Egy CrimC)

Code of Civil and Commercial Procedure: *Qanun al-Murafa at al-Madaniyah wa al-Tjariyah* (Egy CivComPC)

Code of Criminal Procedure: *Qanun al-ijra at al-Jina iyah* (Egy CrimPC)

2.2 Statutes, Laws, and Decrees

Cite statutes, laws, and decrees by title followed by a transliteration of the Arabic title (in parentheses) if available, and the word “In” (underlined) followed by title of the official gazette in which the code is published (abbreviated Egy OG), date, volume, and page referenced:

Law no. 18 of April 16, 1977 on agricultural land tax (*Daribat al-Aradi al-Zira iyah*).
In Egy OG of April 21, 1977, no. 16, p. 347.

In subsequent citations, an abbreviated form may be used, by citing to a shortened form of the title, followed by the article referenced:

Land Tax Law, art. 2.

2.3 Official Publication for Legislation

For any legislation, citations may also be made to the official gazette’s name followed by transliteration of the Arabic title (in parentheses) if available, date, volume, and page referenced:

The official gazette of Egypt (*al-Jaridah al-Rasmiyah*) [Egy OG] of April 14, 1977, no. 15, p. 314.

In subsequent citations, an abbreviated form may also be used, by citing to the official gazette's abbreviation (adding date and volume information if necessary), followed by page referenced:

Egy OG, p. 313.

3.0 Jurisprudence

Cite cases by case number, decision number, date, deciding court, title of the publication containing the case followed by transliteration of the Arabic title (in parentheses) if available, date, volume, and page referenced:

Case no. 1635, decision no. 41, of Feb. 14, 1972, Court of Cassation, Criminal Division (*Mahkamat al-Naqd Majmuat al-Ahkam al-Sadirah min al-Hay ad al-Ammah lil-mawad al-Jima iyah*) [Egyptian Judicial review] Jan. - Mar. 1972, no. 1, p. 168.

In subsequent citations, cite to case number and decision number:

Case no. 1635/decision no. 41.

3.1 Reports

Reports include an Official Report Published by the Ministry of Justice (*al-madjmu at ar-rasmiya*) which contains summaries translated into French of some decisions or judgments.

There are also collections of decisions published by the Council of State (*madjmua madjlis ad-daula*) since 1950 and the Court of Cassation (*madjmu at al-kawa id al-kanuniya allati karraratha mahkamat an-nakd*) since 1931.

The Society of advocates also publishes a great number of decisions and judgments in the revue *al-muhamat*.

ETHIOPIA

Ityop'iya Federalawi Demokrasiyawi Ripeblik (Federal Democratic Republic of Ethiopia)

I. COUNTRY PROFILE (Civil Law)

The Federal Democratic Republic of Ethiopia is a federal, democratic republic. Ethiopia is made up of nine states and two self-governing, administrative cities (Addis Ababa and Dire Dawa). Addis Ababa is the national capital. While the Constitution officially recognizes nine ethnic nationalities within the federal state, recent studies show that as many as 99 languages are spoken in Ethiopia. The work of the government, however, is carried out in English and Amharic. Major local languages include Amharic, Tigrigna, and Oromifa.

Ethiopia's Constitution, adopted in 1994, vests federal power in the executive, legislative, and judicial branches. The President of Ethiopia serves as the head of state, and is elected jointly by a two-thirds vote of a majority of the House of People's Representatives and the House of the Federation, for a six-year term. The Prime Minister of Ethiopia is the chief executive, and is designated by the party in power following legislative elections. He in turn selects, with the approval of the House of People's Representatives, the Ministers who constitute the Council of Ministers.

Ethiopia's bicameral Parliament consists of the House of the Federation or upper chamber, whose 108 members are chosen by state assemblies and serve five-year terms, and the House of People's Representatives or lower chamber, whose 548 members are directly elected by popular vote from single-member districts and serve five-year terms. The House of the Federation is charged with interpreting the Constitution, protecting the right to self-determination of the various ethnic nationalities within Ethiopia, and seeking solutions to conflict among Ethiopia's member states. The House of People's Representatives is the country's federal legislative body. Laws passed by this body are submitted to the President for his signature; if he does not sign a law within fifteen days, it takes effect without his signature.

Ethiopia is primarily a civil law country. Its major legal codes, drafted and originally adopted primarily in the 1950s and 1960s and amended several times since, are still in effect despite several regime changes. The Constitution provides for the establishment of a Federal Supreme Court. The President and Vice President of the Federal Supreme Court are appointed by the House of People's Representatives based upon the recommendations of the Prime Minister. Other federal judges on the Supreme Court are selected by the Federal Judicial Administrative Council, and their names are then submitted for appointment to the House of People's Representatives by the Prime Minister. At its discretion, the House of People's Representatives may also establish federal High and first-instance courts. Finally, there is a Council of Constitutional Inquiry, which is composed of the President and Vice-President of the Supreme Court, six legal experts, and three members of the House of the Federation. The Council investigates constitutional disputes and submits recommendations to the House of the Federation.

There are also three levels of regional courts within the nine member states: state supreme courts, high courts, and courts of first instance. Religious or customary courts may be given recognition only by the House of People's Representatives or state councils.

Internet Resource:

Parliament:
[http:// www.ethiopar.net](http://www.ethiopar.net)

II. CITATION GUIDE

Ethiopia does not have a formal citation standard. Since 1965, the Journal of Ethiopian Law has been the most consistent source of Ethiopian legal scholarship, although copies before 1994 are difficult to obtain. The following citation guide is based on the usages prevalent in this journal as of 1994.

1.0 Constitution

Information on the citation of Ethiopia's Constitution was not obtained.

2.0 Legislation

Cite legislation by title of the Code, article and subdivision (if any) referenced, title of the publication in which the Code is found, and volume [year, volume number]:

The Maritime Code of Ethiopia of 1960. Article 209, Proclamation No. 164, Negarit Gazette (extra-ordinary), Year 19, No. 1.

The Negarit Gazette is the official legislative, executive, and administrative law reporter in Ethiopia. It is published in Amharic and English, although not on a regular or periodic basis.

Proclamations, Orders, and Legal Notices appear in the Negarit Gazette under their generic name, number and year of publication. Laws are published in the Negarit Gazette in short chronological order. There is no index in the individual issue or in the bound volumes for each year. Nor is there a cumulative index of all the bound volumes.

3.0 Jurisprudence

Information on citation of judicial authorities is not available. As a civil law country, however, Codes continue to be the primary sources of law in Ethiopia.

4.0 Books

Cite books by name of author(s) [first name, family name], title (underlined), publisher, place of publication, year of publication, and page referenced:

Rene David, Arbitration in International Trade, Kluwer Deventer, Netherlands, 1985, p. 188.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [first name, middle name, family name], title of article (in quotation marks), volume, title of journal (underlined), year, and page referenced:

Thomas Edgar Carbonneau, "The Exploration of a French Court Doctrine on International Commercial Arbitration: A Study in Liberal Civilian Judicial Creativity", 55 Tulane Law Review, 1980, p.9.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by title of the publication (italicized), followed by "p." and page referenced, and date:

Africa Magazine, p.17, March 1975.

FINLAND

Suomen Tasavalta (Republic of Finland)

I. COUNTRY PROFILE (Civil Law)

The Republic of Finland, established December 6, 1917, is a sovereign republic. Finland (*Suomi*) is subdivided into six provinces and operates under a civil legal system. The two official languages are Finnish and Swedish. All laws are published in both official languages. In addition, the Sámi people of Lapland, the northern region of Finland, hold the constitutionally protected right to publish laws in the Sámi language. Finland entered into membership of the European Union on January 1, 1995.

Finland's Constitution was adopted March 1, 2000. Prior to that date, the country was governed by four Constitutional Acts: The Constitution Act of Finland (1919), the Parliament Act, and two ministerial liability acts. The Constitution is the supreme law of the land and is the source of all public power. It enshrines the fundamental principle that sovereign power lies with the Finnish people represented by the Parliament.

The state is organized on the basis of a separation of powers between the Government, Parliament, the President, and the courts. Executive power lies with the Government (*valtioneuvosto*) with certain duties carried out by the President (*tasavallan presidentti*). The President is elected directly by majority vote, with a second run-off election held if necessary, for a term of six years. The President must be a native Finnish citizen and is limited to two terms in office. The Prime Minister is elected by Parliament and appointed by the President. Other ministers are appointed by the President based upon nominations by the Prime Minister. The Government or Council of Ministers is made up of the Prime Minister (*Pääministeri*) and a maximum of seventeen Ministers (*Ministeri*). The Government is the decision-making body for governmental and administrative matters consisting of the Government plenary session and the ministries. Foreign policy is directed by the President in conjunction with the Government. The Government has the authority to forward proposals for legislation to the Parliament for enactment.

The legislative power lies with the Parliament (*eduskunta*). Finland has a unicameral Parliament consisting of 200 seats. Chapter Six of the Constitution provides that the principal duty of Parliament is to enact legislation. Members of Parliament are elected directly by popular vote to four-year terms, although the President, after consulting with Parliament, may order a new election prior to the end of that term if the Prime Minister so advises. Parliament may adopt Acts, which must be submitted to the President for ratification. Following signature by the President, the Act is published in the official statute book. Acts which are not ratified within three months, or which are vetoed by the President, are returned to the Parliament, and they may still enter into force if there is sufficient support in Parliament, provided that no further amendments are made.

Judicial power lies with the Courts (*tuomioistuimet*). Finland has a three-tiered hierarchical system of courts. Sixty-six first instance District Courts (*käräjäoikeus*) have jurisdiction to hear both civil and criminal matters in territorially limited districts. Their decisions may be appealed to one of six regionally organized Courts of Appeal (*hovioikeus*), which also have first instance jurisdiction over certain governmental and treason matters. The highest court is the Supreme Court of Finland (*korkein oikeus*). Appeals from decisions of the Court of Appeal are heard only with leave of the Supreme Court, usually by a panel of five

justices. Along with its judicial authority, the Supreme Court of Finland also has the power to request legislation modifying or interpreting current legislation. Administrative law cases are heard by Administrative Courts (*hallinto-oikeus*), appeals from decisions of which may be taken with leave to the Supreme Administrative Court (*korkein hallinto-oikeus*). In addition, Finland has a network of Specialized Courts (*erityistuomioistuim*), arranged by subject matter jurisdiction. These include, *inter alia*, Market Courts (*markkinatuomioistuim*), Labour Courts (*työtuomioistuim*) and Social Insurance Courts (*vakuutus-oikeus*) dealing with such matters as entitlement to welfare benefits. The two principal law journals are *Suomen asianajajaliiton äänenkannattaja* and *Lakimies: Suomalaisen lakimiesten yhdistyksen aikakauskirja*.

The Constitution grants the autonomous Åland Islands very liberal executive and legislative powers. Legislative and executive powers are vested in the Provincial Legislative Assembly (*Lagting/Maakuntapäivät*) and the Provincial Government (*Landskapsstyrelse/Maakuntahallitus*). The official language of the Åland Islands is Swedish.

Internet Resources:

Republic of Finland
<http://www.om.fi>

II. CITATION GUIDE

Finland does not have an official national citation manual. There are, however, citation practices that are widely accepted and used.

1.0 Constitution

Cite the Constitution by title (*Suomen perustuslaki*), chapter number followed by the word “*luku*,” and section number:

Suomen perustuslaki, 1 luku, 1§.

Note: The Constitution is also assigned an official Statute Book number: 731/1999, and may technically be cited like other legislation. It is rarely, however, cited in any way other than by its official title.

2.0 Legislation

Cite statutes and decrees by serial number and year [serial number/year], typically followed by the official title of the law:

562/1995 Laki kalastuslain muuttamisesta.

All officially promulgated laws, including the Constitution, Acts of Parliament, and Governmental and Ministerial Decrees are published in the Official Statute Book of Finland (*Suomen säädöskokoelma*). The FINLEX database, accessible on the internet at <http://www.finlex.fi/english/index.html>, is a free databank of the texts of all legislation contained

in the Statute Book, decisions of the Finnish Supreme Court and Supreme Administrative Court, and all proposed legislation.

Note: The commercial publishers, Kauppakaari Oyj, publish a two volume series of the Law of Finland (*Suomen Laki I-II*) on an annual basis, which uses a different system of citation.

3.0 Jurisprudence

3.1 The Supreme Court

Cite Supreme Court cases by abbreviated name of the Supreme Court (“KKO”), year, and case number (all separated by colons):

KKO:2001:118.

For cases prior to 1986, also indicate the volume (I or II) in which the case was published after the year and between hyphens:

KKO:1986-I-1.

KKO:1986-II-1.

Cases of the Supreme Court are published twice yearly in the yearbook *Korkeimman oikeuden ratkaisuja*, published by Edita Oyj. They are also available on the internet from the FINLEX database, as well as the Supreme Court of Finland’s website: <http://www.kko.fi/ennakkoratkaisut>.

3.2 The Supreme Administrative Court

Cite Supreme Administrative Court cases by date of the decision [day.month.year], and case number:

11.09.2001/2122.

Only a selection of those cases deemed by the court to be of pertinent use in the guidance of future disputes are published in the yearbook of the court, *Korkein hallinto-oikeuden vuosikirja* (abbreviated “KHO”). Those selected cases are also available from the FINLEX database, as well as from the website of the Supreme Administrative Court: <http://www.kho.fi/tietop.html>.

Those cases selected for publication in the yearbook may also be cited according to the Supreme Court format:

KHO:1993-B-505.

3.3 Lower Courts

Decisions of lower courts are rarely published or cited. The majority of cases that are published may be found in the leading law journals. Cite lower courts cases by date and case number.

3.4 Specialized Courts

Since 1947, selected Labour Court decisions have been published in the court's yearbook, the *Työtuomioistuimen vuosikirja*. The Market Court also publishes a yearbook containing selected decisions since 1979.

III. SELECTED REFERENCES

THOMAS H. REYNOLDS & ARTURO A. FLORES, *FOREIGN LAW: CURRENT SOURCES OF CODES AND BASIC LEGISLATION IN JURISDICTIONS OF THE WORLD* (3d ed. 1989).

FRANCE

République Française (French Republic)

I. COUNTRY PROFILE (Civil Law)

France is a civil law country with extensive codification where legislation is the main source of law. The Constitution of the Fifth Republic of 1958 is characterized by a semi-presidential regime. It incorporates human rights through references to the 1789 Declaration of the Rights of the Man and the Citizen and the preamble of the 1946 Constitution.

The executive is led by the President (*Président de la République*) and Prime Minister (*Premier Ministre*). Elected by a direct universal suffrage for a five-year term, the President guarantees the national independence and the integrity of the territory, is the Chief of the army, ensures that the Constitution is respected, and presides over the Council of Ministers. He appoints the Prime Minister and other members of government. He may take emergency measures in times of crisis and under strict conditions. The National Assembly, however, cannot be dissolved, and the Constitution cannot be amended. The Prime Minister leads the administration, and determines and conducts national policy.

The legislative power is held by a bicameral Parliament, consisting of the National Assembly (*Assemblée Nationale*) and the Senate (*Sénat*). Unlike the National Assembly, which is elected by a direct universal suffrage, the Senate is elected by indirect universal suffrage by locally elected representatives. All laws must be approved by both chambers. The Parliament exercises control over executive government action through a formal process of opening investigations. It may also contest the mandate of the government. The Constitution grants the legislative branch extensive power to enact statutes, and also provides for a possibility of enlargement of the powers of this branch. All other areas are left to the executive branch, which has the power to enact regulations.

The Constitutional Council (*Conseil Constitutionnel*) is responsible for ensuring that referenda and the election of the President and Parliament are fair. It performs mandatory reviews of the constitutionality of the laws, treaties, and parliamentary standing orders prior to ratification. The Council does not review the decisions of lower courts for constitutionality on appeal. Instead, it is called to action through petitions by the President, the Prime Minister, the President of the National Assembly or the Senate, or by a vote of 60 senators or Assembly members. The term of office of its nine members is nine years, non-renewable. Three members are appointed by the President, three by the President of the National Assembly, and three by the President of the Senate. One-third of the Constitutional Council's members are appointed every three years.

The judicial system is divided into a judiciary body, combining civil and criminal courts, and an administrative body of various administrative courts. The former body is headed by the Court of Cassation (*Cour de Cassation*), the latter by the Council of State (*Conseil d'État*). The Tribunal of Conflicts arbitrates cases of conflict of jurisdiction or decisions between the two; it is composed of an equal number of judges from the Court of Cassation and the Council of State.

The Court of Cassation consists of three civil chambers, a commercial chamber, a social chamber, and a criminal chamber. It decides whether the lower courts have correctly interpreted and applied the rule of law and the rules of procedure. It does not usually overrule a lower court's judgment, but instead quashes it and remits the case for rehearing by a Court of Appeal (*Cour d'Appel*) other than the one that originally heard the case. Important controversial cases

may be decided in plenary session. The Courts of Appeal deal with both civil and criminal matters. In civil matters, the trial courts are the Tribunals of Great Instance (*Tribunaux de Grande Instance*), or the Tribunals of Instance for small claims (*Tribunaux d'Instance*). In criminal matters, the Tribunal of Police deals with minor offenses, the Criminal Tribunal with crimes, and the Assises Courts (*Cours d'Assises*) with the most serious offenses. The Assises Courts are the only courts that utilize a jury system. The decision of one Assises Court can be appealed to another. The Court of Cassation can also consider appeals on criminal matters. The hierarchy of the administrative courts in decreasing seniority is as follows: the Council of State, the administrative Courts of Appeal, and the administrative tribunals.

Internet Resources:

National Assembly
<http://www.assemblee-nat.fr>
Senate
<http://www.senat.fr>
President
<http://www.elysee.fr>
Prime Minister
<http://www.premier-ministre.gouv.fr>

Constitutional Council
<http://www.conseil-constitutionnel.fr>
Court of Cassation
<http://www.courdecassation.fr>
Council of State
<http://www.conseil-etat.fr>
Official Journal
<http://www.journal-officiel.gouv.fr>

II. CITATION GUIDE

France does not have a uniform national citation manual. There are some accepted practices, but they are not followed by all authors.

1.0 Constitution

Cite the Constitution (*La Constitution du 4 octobre 1958*) by the abbreviation “Const.” followed by “Art.” and article number:

Const., Art. 18.

2.0 Legislation

2.1 Statutes, Laws and Decrees

Cite statutes and decrees by type (e.g., “L. const.,” “Loi,” “ord.,” or “Décret »), followed n° and reference number [last two digits of the year in which the law was enacted - serial number], and date [day, month (spelled out), year]. Some statutes are cited by the name of the senator or deputy who introduced the bill, e.g. loi Royer, loi Badinter:

L. const. n° 95-880 du 4 août 1995.

Loi n° 67-1828 du 27 juillet 1967.

Ord. n° 59-2 du 2 janv. 1959.

Décret n° 56-1128 du 9 novembre 1956.

2.1.1 Official Gazette

Laws and decrees are published in the official gazette, the *Journal Officiel de la République française* (abbreviated “J.O.”). Cite laws and decrees published in the official gazette by the above standard, followed by “J.O. du” and date of the gazette, and page referenced:

Loi n° 67-1828 du 27 juillet 1967, J.O. du 27 juil. 1967, p. 1234.

2.2 Codes

Cite codes by “Art.” and article number, followed by abbreviated title of the code. A letter may precede the article number: “L” if it is a parliamentary law (*loi*), “D” if it is a decree (*décret*), “R” if it is a regulation (*règlement*):

Art. 2012 C. civ.

Art. 223 N.C.P.C.

Art. L. 311-11 C. org. jud.

The abbreviations of major Codes are:

Civil Code: *Code civil* (C. civ.)

Criminal Code: *Code pénal* (C. pén.)

Commercial Code: *Code de commerce* (C. com.)

Criminal Procedure: *Code de Procédure Pénale* (C. pr. pén.)

New Civil Procedure Code: *Nouveau Code de procédure civile* (nouv. C. pr. civ. (or N.C.P.C.))

Employment Code: *Code du Travail* (C. trav.)

Judicial Code: *Code de l'organisation judiciaire* (C. org. Jud).

2.3 Treaties and Conventions

Cite treaties and conventions using source information, as described in Section 1.0 on Treaties and Conventions (on page 266), with at least two treaty sources—the Journal Officiel (J.O.) and one other source:

[Treaty information], J.O., 21 Feb 2001, p. 220; 2001 Recueil des traités, No. 4, [date of entry, etc.].

2.3.1 French Treaty Sources

French Treaty Sources, and their citation formats, are:

Journal Officiel: “J.O.”, [date of publication], [page referenced].

Recueil des traités et accords de la France: [year], “Recueil des traités”, [treaty number].

Recueil des traités de la France: [volume], “Recueil des traités”, [page referenced].

3.0 Jurisprudence

Cite cases by name of the parties (optional), court (by abbreviated title, placing the city or regional name after the court name for city or regional courts), chamber (if appropriate), date and title of the reporter, volume, page referenced, and name of the commentator (optional).

Example of a citation in an official report:

Civ. 1ère, 14 déc. 1983, Bull civ. I, n° 295.

Example of a citation in unofficial reports:

C.A. Aix-en-Provence, 16 oct. 1962, JCP 1962. II. 12923, note Level.

Com. 30 juill. 1952, D. 1952. 724.

3.1 Courts

Chambers of the Court of Cassation and their abbreviations include:

Assemblée plénière (Ass. Plén.)
Chambres réunies (Ch. Réuns.)
Chambre mixte (Ch. Mixte)
Première chambre civile (Civ. 1ère)
Deuxième chambre civile (Civ. 2ème)
Troisième chambre civile (Civ. 3ème)
Chambre commerciale et financière (Com.)
Chambre criminelle (Crim.)
Chambre sociale (Soc.)

Regional Courts include:

Cours d'Appel (C.A.)
Tribunaux de Grande Instance (T.G.I.)
Cours d'Assises
Tribunaux d'Instance (Trib. inst.)

3.2 Reports

There is no comprehensive system of official reports of judicial decisions. There are some common reports, including the judgments of the Cour de cassation, published in part only in the *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* or *civile* (cited Bull. crim. and Bull. civ., respectively); the decisions of the Conseil constitutionnel, published in the *Recueil des décisions du Conseil constitutionnel*.

Some unofficial reports are commonly used by authors and practitioners:

La Semaine Juridique (JCP)
Recueil Dalloz (D.)

Gazette du Palais (Gaz. Pal. or G.P.)

Recueil des arrêts du Conseil d'État statuant au contentieux (Rec. Lebon or Lebon).

4.0 Books

What follows is the complete academic citation followed by universities, mostly for theses, though seldom followed in practice by authors and publications. Cite books in general by name of the author(s) [first initial, family name], title, volume number, edition, place of publication, publisher, year, number of pages:

M. Bibent, *L'informatique appliquée à la jurisprudence*, Paris, Librairies Techniques, 1976, 186 p.

Cite to particular page(s) by either referencing to particular pages, or if referring to a particular page and all pages that follow it by the phrase “et s.”:

M. Bibent, *L'informatique appliquée à la jurisprudence*, Paris, Librairies Techniques, 1976, p. 176-178.

M. Bibent, *L'informatique appliquée à la jurisprudence*, Paris, Librairies Techniques, 1976, p. 176 et s.

For published theses:

A. Tunc., *Le contrat de garde*, (thèse, Dalloz, 1942, 480 p.).

5.0 Articles in Periodicals

Cite articles in periodicals by name of author(s) [first initial, family name], title of the article, title of the periodical (often abbreviated), volume, year, and page referenced (or first and last page, or first page and page referenced):

Y. Loussouarn, *Missions de l'arbitre et voies de recours*, Rev. arb. 1987, p. 107.

G. Marchac, *La compensation des dommages subis du fait de l'invasion et de l'occupation du Koweït par l'Irak*, D.P.C.I., Vol. 22, n° 3, p. 450 (1996).

R. Savatier, *Le dommage mortel et la responsabilité civile*, Rev. trim. droit civil, 1938, p. 187.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by title, date, and page referenced. The name of authors or initials and title may also be included:

Le Monde, 2 octobre 1977, p. 3.

H. Tincq, *Nouveau cléricisme ou nouveau laïcisme*, Le Monde, 4 septembre 1996, p. 1.

Ph. Gelie, *Jordanie: Des élections en trompe-l'oeil*, Le Figaro, 4 novembre 1997, p. 4.

7.0 Official Publications

Cite official publications by state governmental department (or other), title, reference number (if any), date or year, and page referenced:

Cour des Comptes, Rapport annuel 1988, p. 34.

8.0 Unpublished Materials

Cite unpublished materials by name of the author(s) [first initial, family name], title, the word “thèse”, university, year, and number of pages:

H. Lefeburre, *La notion de tiers en droit français*, thèse, Université Panthéon-Assas (Paris II), 1993, 540 p.

For other materials, the citation should include the name of the author (or, if applicable, the ministry), the title of the collection (if any), volume (if any), reference number (if any), and the location of materials.

9.0 Citation of Electronic Materials

Two main databases are JURISDATA and LEXIS. Cite material as above, adding the database name and document number:

Civ. 1ère, 22 mai 1983, JURISDATA n° 142672390.

10.0 Unwritten Sources

Cite interviews, talks broadcast by radio or television, speeches or lectures by name of the person speaking, title, nature of the source, place, date, and hour (optional):

Robert Badinter, *Sept sur Sept*, présenté par Anne Sinclair, TF1, dimanche 18 mars 1995, 19 heures.

III. SELECTED REFERENCES

RENE DAVID, *FRENCH LAW: ITS STRUCTURE, SOURCES, AND METHODOLOGY* (Michael Kindred trans., Louisiana State University Press 1972).

C. DEBBASCH ET AL., *DROIT CONSTITUTIONNEL ET INSTITUTIONS POLITIQUES* (P.U.F. 2d ed. 1986).

FRANÇOISE DREYFUS & FRANÇOIS D'ARCY, LES INSTITUTIONS POLITIQUES ET ADMINISTRATIVES DE LA FRANCE (Economica 2d ed. 1987).

M. GOUNELLE, INTRODUCTION AU DROIT PUBLIC, INSTITUTIONS-FONDEMENTS-SOURCES (Montchretien 2d ed 1989).

H. PINSSEAU, L'ORGANISATION JUDICIAIRE FRANÇAISE (La Documentation Française 1978).

T. RENOUX, LE CONSEIL CONSTITUTIONNEL ET L'AUTORITE JUDICIAIRE (Economica 1984).

GERMANY

Bundesrepublik Deutschland (*Federal Republic of Germany*)

I. COUNTRY PROFILE (Civil Law)

Germany is a democratic, federal republic made up of 16 States (*Länder*). The German Constitution, the Basic Law (*Grundgesetz*) of 1949 lost its “temporary” status on October 3, 1990, when the five states of the former German Democratic Republic (*Deutsche Demokratische Republik*) joined the unified German federation. Germany’s legal system is based on a civil law tradition.

In Germany’s federal structure, most of the legislative power is concentrated at the national level, while administrative, judicial, and enforcement functions are exercised principally at the state level. Executive responsibilities on the federal level lie principally with the Federal Government (*Bundesregierung*), which is headed by the Chancellor (*Bundestkanzler*). The Chancellor is elected by the Bundestag. The Federal President (*Bundespräsident*), the official head of state, is elected for a five-year term—with the possibility of reelection for a consecutive term—by a Federal Convention (*Bundesversammlung*) consisting of equal numbers of members of the Lower House of Parliament (*Bundestag*) and members elected by the parliaments of the individual states. The President’s duties are primarily ceremonial.

The Constitution vests the legislative power in a bicameral parliament, consisting of the Lower House of Parliament, whose members are directly elected by the people every four years, and the Senate (*Bundesrat*), who consists of members of the state governments. Most federal law is initiated by the Federal Government and later voted upon and passed into law, first by the *Bundestag* and then the *Bundesrat*. The *Bundesrat*, however, has only suspensive veto power over most legislation. Thus, with the important exception of bills relating to the administrative responsibilities of the states, the *Bundesrat* can only delay legislation rather than veto it outright.

The 16 *Länder* have their own constitutions, each of which establishes a unicameral State Legislature (generally called *Landtag*). The State Legislature elects the state’s Prime Minister (generally called *Ministerpräsident*), who heads the State’s Government (*Landesregierung* or *Staatsregierung*).

Judicial power is exercised by the Federal Constitutional Court, the federal courts and the courts of the States.

Judicial functions pertaining to the federal constitution are performed exclusively by the Federal Constitutional Court (*Bundesverfassungsgericht*). State constitutional matters are generally adjudicated by State Constitutional Courts (*Landesverfassungsgericht*).

In contrast to some other federative countries, Germany’s state and federal courts are integrated in a single court system, organized both hierarchically and by subject matter. The courts are grouped into five categories: Ordinary Courts (*Ordentliche Gerichtsbarkeit*), Labor Courts (*Arbeitsgerichtsbarkeit*), Administrative Courts (*Verwaltungsgerichtsbarkeit*), Social Courts (*Sozialgerichtsbarkeit*), and Fiscal Courts (*Finanzgerichtsbarkeit*). The federation can establish special courts as well, like the Federal Court for Patent Matters.

The Ordinary Courts are responsible for criminal matters, civil matters (such as matrimonial or family proceedings and disputes arising under private law such as sale or lease agreements, as well as commercial and corporate law), and non-contentious legal proceedings, which include bequests, probate and guardianship matters. There are four levels: local courts, regional courts, regional courts of appeals (all administered on state level) and the Federal Court

of Justice (*Bundesgerichtshof*). In criminal cases, one of the first three courts has original jurisdiction, depending on the nature of the crime. In civil proceedings, jurisdiction is vested in either the local or regional court.

The Labor Courts handle disputes arising from employment contracts and industrial relations, including collective bargaining agreements. There are three levels: labor courts, labor courts of appeals (both administered of state level), and the Federal Labor Court (*Bundesarbeitsgericht*). The Administrative Courts also have three levels: the administrative courts and administrative courts of appeals, both on the state level, and, finally, the Federal Administrative Court (*Bundesverwaltungsgericht*). They handle proceedings under administrative law that do not fall within the jurisdiction of the social courts, the finance courts, the ordinary courts (*e.g.*, cases of official liability), or the constitutional courts. The Social Courts rule on all disputes concerned with social security. They also have three levels: local, appellate and the Federal Social Court (*Bundessozialgericht*). Finally, the fiscal courts (*Finanzgerichtsbarkeit*), which consist of only one level of state courts and the Federal Finance Court (*Bundesfinanzhof*), deal with taxation and related matters.

Official Websites:

Federal Government:

<http://www.bundesregierung.de>

Lower Chamber of Federal Government:

<http://www.bundestag.de>

Higher Chamber of Federal Government:

<http://www.bundesrat.de>

Federal President:

<http://www.bundespraesident.de>

Constitutional Court:

<http://www.bundesverfassungsgericht.de>

Federal Courts:

<http://www.bundesgerichtshof.de>

<http://www.bundesarbeitsgericht.de>

<http://www.bundessozialgericht.de>

<http://www.bverwg.de>

<http://www.bundesfinanzhof.de>

Federal Patent Court:

<http://www.bpatg.de>

Attorney General:

<http://www.generalbundesanwalt.de>

Federal Ministry of Justice:

<http://www.bmj.bund.de>

Federal Law:

<http://bundesrecht.juris.de/bundesrecht>

<http://www.jura.uni-muenster.de>

<http://www.jura.uni-sb.de>

Federal Gazette:

<http://www.bundesgesetzblatt.de>

II. CITATION GUIDE

Citation is quite uniform although there are neither binding rules regarding citation nor a national citation manual in Germany.

0.1 Common Abbreviations

Common abbreviations in German citation practice include Article (“§”, “Artikel” or “Art.”), paragraph (“Absatz” or “Abs.”), and clause (“Satz” or “S.”). The “Abs.” and “S.” symbols are optional (*i.e.*, “Art. 1 Abs. 1 S. 1” = “Art 1 I 1”).

1.0 Constitution

Cite the Constitution (*Grundgesetz der Bundesrepublik Deutschland*) by subdivision referenced (see Part 0.1 above), followed by abbreviated title (“GG”):

Art. 1 Abs. 3 GG.

Art. 1 Abs. 1 S. 1 GG.

Art. 1 | 1 GG.

2.0 Legislation

2.1 Statutes, Laws, and Decrees

Cite statutes, laws, and decrees by passage referenced, full title, short title (in parentheses), date [day.month.year], followed by abbreviated title of the official gazette in which it is published (e.g., “BGBL.”), volume, year, and page referenced:

§ 1 Gesetz über die politischen Parteien (Parteiengesetz) v. 31.1.1994, BGBL. I 1994, p. 149.

2.1.1 Federal Gazette

The Federal Gazette (*Bundesgesetzblatt*) is cited BGBL. Before 1945, it was called *Reichsgesetzblatt* (cited RGBL.). State gazettes are generally called *Gesetz- und Verordnungsblatt* (cited GVBl.).

2.2 Codes

Cite Codes by subdivision referenced (see Part 0.1 above), followed by abbreviated title of the Code:

§ 812 Abs. 1 S. 1 BGB.

§ 812 | 1 BGB.

The abbreviations of major Codes are:

Law on the Organization of the Judiciary: *Gerichtsverfassungsgesetz* (GVG)

Code of Civil Procedure: *Zivilprozeßordnung* (ZPO)

Code of Criminal Procedure: *Strafprozeßordnung* (StPO)

Code of Administrative Procedure: *Verwaltungsgerichtsordnung* (VwGO)

Civil Code: *Bürgerliches Gesetzbuch* (BGB)

Commercial Code: *Handelsgesetzbuch* (HGB)

Criminal Code: *Strafgesetzbuch* (StGB)

Administrative Law Act: *Verwaltungsverfahrensgesetz* (VwVfG)

Code of Social Law: *Sozialgesetzbuch* (SGB)

Many Federal Statutes can be found on the web site of the Federal Ministry of Justice (<http://bundesrecht.juris.de/bundesrecht>). Links to many federal and state laws are available at <http://www.jura.uni-muenster.de> and <http://www.jura.uni-sb.de> (under “Recherche” and then “Jura-Links”).

2.3 Treaties and Conventions

Cite treaties and conventions as described in Section 1.0 on Treaties and Conventions (on page 266), filling in the source information preferably with either the federal gazette (BGBI. II), or Germany’s treaty series (*Verträge der Bundesrepublik Deutschland*) by volume, title, series (in parentheses), and treaty number:

[Treaty information], 5 Verträge der Bundesrepublik Deutschland (ser. A), No. 1, [date of entry, etc.].

3.0 Jurisprudence

Cite cases published in official reporters by abbreviated title of the reporter, volume, first page of the decision, and page referenced:

BGHZ 126, 105, 107.

Cite other cases by abbreviated name of the court, location of the court (unless citing to federal courts or unique state courts like BayObLG, KG), date (optional and unusual), official registration number (optional and unusual), abbreviated name of the periodical in which the decision is published, year, first page of the decision, and page referenced:

OLG Köln, Urteil v. 13.12.1996 (6 U 191/96), NJW 1997, 3179.

OLG Köln, NJW 1997, 3179.

BGH NJW 1994, 831, 835.

3.1 Court Abbreviations

Courts are normally cited by abbreviation. Federal Courts are referred to simply by their official denomination (e.g., BAG).

All other courts are referred to by level and location (e.g., AG Bonn). Some Courts have kept their traditional names and are usually cited by them (e.g., KG or *Kammergericht*, instead of OLG Berlin; HansOLG or *Hanseatisches Oberlandesgericht* instead of OLG Hamburg; BayVGH or *Bayerischer Verwaltungsgeschichtshof* instead of VGH München).

The names and abbreviations for courts include:

Federal Constitutional Court: *Bundesverfassungsgericht* (BVerfG)
 State Constitutional Court: *Landesverfassungsgericht* (LVerfG)
 Federal Court of Justice: *Bundesgerichtshof* (BGH)
 BGH's predecessor court: *Reichsgericht* (RG)
 BGH, *en banc*: *Bundesgerichtshof Großer Senat* (BGH GS)
 BGH, *en banc*, for civil matters: *Bundesgerichtshof Großer Senat für Zivilsachen* (BGH GS Z)
 BGH, *en banc*, for criminal matters: *Bundesgerichtshof Großer Senat für Strafsachen* (BGH GS St)
 BGH, united *en banc* panels: *Vereinigte Große Senat*
 Common Chamber of Supreme Federal Courts: (GmS)
 Local court (ordinary): *Amtsgericht* (AG)
 Regional court (ordinary): *Landgericht* (LG)
 Regional court of appeals (ordinary): *Oberlandesgericht* (OLG)
 Supreme court of appeals (ordinary) for Bavaria: *Bayerisches Oberstes Landesgericht* (BayObLG)
 Local labor court: *Arbeitsgericht* (ArbG)
 Labor court of appeals: *Landesarbeitsgericht* (LAG)
 Federal Labor Court: *Bundesarbeitsgericht* (BAG)
 Local administrative court: *Verwaltungsgericht* (VG)
 Administrative court of appeals: *Oberverwaltungsgericht* (OVG) or *Verwaltungsgerichtshof* (VGH)
 Federal Administrative Court: *Bundesverwaltungsgericht* (BVerwG)
 Local social court: *Sozialgericht* (SG)
 Social court of appeals: *Landessozialgericht* (LSG)
 Federal Social Court: *Bundessozialgericht* (BSG)
 Finance court: *Finanzgericht* (FG)
 Federal Finance Court: *Bundesfinanzhof* (BFH)
 Federal Court for Patent Matters: *Bundespatentgericht* (BPatG)

3.2 Reports

Official reporters (and abbreviations) are:

Federal Constitutional Court reporter: *Entscheidungen des Bundesverfassungsgerichts* (BVerfGE)
 Federal Labor Court reporter: *Entscheidungen des Bundesarbeitsgerichts* (BAGE)
 Federal Administrative Court reporter: *Entscheidungen des Bundesverwaltungsgerichts* (BVerwGE)
 Federal Social Court reporter: *Entscheidungen des Bundessozialgerichts* (BSGE)
 Federal Finance Court reporter: *Sammlung der Entscheidungen und Gutachten des Bundesfinanzhofs* (BFHE)
 Federal Court of Justice reporter in civil matters: *Entscheidungen des Bundesgerichtshofs in Zivilsachen* (BGHZ)
 The Federal Court of Justice reporter in criminal matters: *Entscheidungen des Bundesgerichtshofs in Strafsachen* (BGHSt)
Reichsgericht reporter in civil matters (now defunct): *Entscheidungen des Reichsgerichts in Zivilsachen* (RGZ)
Reichsgericht reporter in criminal matters (now defunct): *Entscheidungen des Reichsgerichts in Strafsachen* (RGSt)

Some lower level courts also have their own reporters, e.g., Decisions of the Bavarian Supreme Court of Appeals in Criminal Matters, *Entscheidungen des Bayerischen Obersten Landesgerichts in Strafsachen* (BayObLGSt), or Decisions of the Court of Appeals in Criminal Matters, *Entscheidungen der Oberlandesgerichte in Strafsachen* (OLGSt).

Parallel citations, especially if the decision was also published in one of the major journals (such as the weekly *Neue Juristische Wochenschrift*, cited NJW) are frequently used, but not required.

4.0 Books

Cite books by name of the author(s) [family name only (in footnotes), full name (in bibliographies)] (italicized), title, volume, edition, place of publication, and year:

Brox, Allgemeiner Teil des Bürgerlichen Gesetzbuchs, 22. Aufl., Köln 1998.

Often the numbers found on the margin of most books are included in a citation (*e.g.*, Rn. 241):

Brox, Allgemeiner Teil des Bürgerlichen Gesetzbuchs, 22. Aufl., Köln 1998, Rn. 241.

Subsequently cite by author and margin number:

Brox, Rn. 241.

Cite commentaries by title and author of the relevant statutory provision [title/author], edition, place of publication and year, passage referenced, and margin number:

Palandt/Heinrichs, 64. Aufl., München 2005, § 242 Rn. 42.

Subsequently cite by title/author, passage referenced, and margin number only:

Palandt/Heinrichs, § 818, Rn. 42.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [last name only] (italicized), title of the periodical, year, first page of the article, and page referenced (in parentheses):

Mihm, Pflicht zur Verlesung notarieller Urkunden bei EDV-Einsatz, NJW 1997, 1321 (1324).

An unofficial list of abbreviations for secondary sources, treatises, journal articles, and commentaries exists in HILDEBERT KIRCHNER/Claudia Butz ABKÜRZUNGSVERZEICHNIS DER RECHTSSPRACHE (de Gruyter eds., 5th ed. 2002).

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) (if available), title of the article, title of the newspaper or journal, issue number, date, and page referenced:

Deutschland wirft USA Völkerrechtsbruch vor, Süddeutsche Zeitung, Nr. 65 v. 05.03.1999, S. 1.

III. SELECTED REFERENCES

DAVID P. CURRIE, *THE CONSTITUTION OF THE FEDERAL REPUBLIC OF GERMANY* (Chicago University Press 1997).

DONALD P. KOMMERS, *THE CONSTITUTIONAL JURISPRUDENEC OF THE FEDERAL REPUBLIC OF GERMANY* (Duke University Press 2d ed. 1997).

GREECE

Elliniki Dhimokratia (Hellenic Republic)

I. COUNTRY PROFILE (Civil Law)

The modern Greek state, officially known as the Hellenic Republic, was established in 1830. Greece is a presidential, parliamentary democracy. Its legal system is based on the civil law tradition. Greece became a full member of the European Union in 1981.

The Constitution, the fundamental written law of the country, follows the doctrine of the separation of powers, and provides numerous checks and balances. Executive power is vested in the Greek Government, legislative power is vested in Parliament, and judicial powers are vested in the Courts.

The President of the Republic is the head of state. Under the Constitution, as amended in 1975 and 1986, the President's role is primarily ceremonial. The President is elected by a two-thirds vote of the Members of Parliament for an office of five years. Executive powers are vested in the Prime Minister and the Ministerial Cabinet. The Prime Minister is usually the head of the political party that achieved a majority of votes during the elections. He or she selects the members of the Ministerial Cabinet. The Cabinet and the Prime Minister must enjoy the support of a majority of the members of the Parliament throughout their term.

Parliament consists of a single body with 300 members. Members of Parliament are directly elected by the people every four years.

The Greek legal system is separated into two main categories: public and private. The hierarchy of legal rules includes the Constitution, International Treaties, Laws and Customs, Presidential Decrees, and Administrative Acts. Most important laws are codified by category. Examples include the Civil Code, Commercial Code, Penal Code, Code of Civil Procedure, Code of Criminal Procedure, Code of Private Maritime Law, Code of Public Maritime Law, Code of Administrative Procedure, and Military Penal Code. Jurisprudence, scholars' opinions and other legal literature are not considered formal sources of law, owed partly to Greece's civil law background. Judicial precedent, however, especially decisions of the Supreme Civil and Criminal Court (*Areios Pagos*), are often reflected in legislative actions and amendments.

Judicial power is vested in civil, criminal and administrative courts. All the judges are appointed for life by the President of the respective court after consultation with a judicial council. The Constitution lays out in detail the procedure for the appointment of judges, their privileged salary scales, and acts and responsibilities deemed incompatible with their judicial functions. It also provides for their independence. Each type of court is divided into courts of first instance and courts of appeal. In addition, the Supreme Court hears appeals of civil and criminal decisions. The Supreme Civil and Criminal Court does not make findings of fact; it focuses only on legal issues and the correct interpretation of the applicable law. The Supreme Civil and Criminal Court does not have discretionary power to choose the cases it hears.

The Council of State (*Symboulia tis Epikrateias*) is the supreme administrative law court. The Council of State hears appeals of lower court decisions. It also has original jurisdiction over cases involving requests for abolition (annulment) of illegal and harmful administrative decisions and acts. Like the Supreme Civil and Criminal Court, the Council of State does not have discretionary power to choose the cases it hears.

The Audit Court (*Elegktiko Synedrio*) has jurisdiction over matters involving state funds, such as national income, state salaries, and state financial transactions. The Audit Court's

primary function is to review and consent to any draft of law containing financial provisions before it is voted on in Parliament.

Finally, the Special Supreme Court (*Anotato Eidiko Dikastirio*) is made up of the presidents of the Council of State, the Supreme Court, and the Audit Court, together with four counselors of the Council of State and four judges of the Supreme Civil and Criminal Court who are appointed by ballot every two years. The Special Supreme Court is a permanent court which hears cases involving the validity of parliamentary elections, and the resolution of contradictory rulings among the three supreme courts or other high courts, especially in matters of national and social importance. Again, this court does not have discretionary power to choose the cases it hears.

Internet Resources:

Athens Bar Association
<http://www.dsa.gr>
Greek Parliament
<http://www.parliament.gr>

Greek Ministry of Justice
<http://www.ministryofjustice.gr>
Greek Ministry of Development
<http://www.ypan.gr>

II. CITATION GUIDE

Although there are no binding rules regarding citation, and there is no national citation manual in Greece, citation is quite uniform in legal literature and court cases.

1.0 Constitution

Cite the Constitution by article (“Arthro” or Ar.”), clause (in parentheses), and followed by the word “Syntagma” (Constitution) or its abbreviation “Synt.”:

Arthro 4 (2a) Synt.

2.0 Legislation

2.1 Statutes, Laws, Presidential Decrees

Cite statutes, laws, and decrees by type (either the full word, e.g., “Nomos,” or the abbreviated form, e.g., “N.”), registered number and year [number/year], the word “Arthro” or “Ar.” (Article), and clause (in parentheses):

N. 513/2000 Ar. 16 (5).

PD 663/2001 Ar.15 (6).

YA 54/1999 Ar. 4 (3).

Basic legal rules titles (and abbreviations) are:

Law or Statute: *Nomos* (N.)
Presidential Decree: *Proedriko Diatagma* (PD)

Ministerial Decision: *Ypourgiki Apofasi* (YA)
Multi-Ministerial Decision: *Diypourgiki Apofasi* (DYA)

2.2 Official Gazette

Citations to legislative sources may refer to the Official Gazette. Cite sources published in the Official Gazette by abbreviated title of the gazette (“FEK”), series (“A”, “B”, etc.), and number and date of publication [number/day.month.year]:

FEK A’ 53/18.06.2003.

FEK B’ 12/3.05.2000.

2.3 Codes

Cite codes by “Ar.” followed by article number, and abbreviated title:

Ar. 14 AK.

Ar. 9 PK.

The abbreviations for major codes are:

Civil Code: *Astikos Kodikas* (AK)

Penal Code: *Pinikos Kodikas* (PK)

Code of Civil Procedure: *Kodikas Politikis Dikonomias* (KPoID)

Code of Criminal Procedure: *Kodikas Pinikis Dikonomias* (KPD)

Administrative Law Procedure: *Kodikas Diikitikis Dikonomias* (KDD)

Code of Private Maritime Law: *Kodikas Idiotikou Naftikou Dikaiou* (KIND)

Code of Public Maritime Law: *Kodikas Dimosiou Naftikou Dikaiou* (KDND)

European Community Treaty: *Synthiki Europaikis Kinotitas* (SynthEK)

3.0 Jurisprudence

Whereas there are no official reporters in Greece, many important cases are reprinted in major journals, which can be said to function primarily as reporters. Such journals also include secondary legal materials, such as articles and comments on reprinted cases. Cite cases published in such reporters by abbreviated title of the reporter, volume number and year [number/year], first page of the decision, and page referenced:

N.B. 17/2000, 105, 107.

Ell.Dik. 545/1996, 103, 105.

Cite other cases by registration number and year [number/year], abbreviated court name, and seat of the court and the special jurisprudence, if any, (in parentheses):

657/2003 Mon.Pr.Ath. (Asf. Metra).

3.1 Court Abbreviations

Abbreviate court names by the first two or three letters of their name and the place of their seat, if multiple, and special jurisdiction (in parentheses):

One-Member Court of First Instance in Athens, provisional measures jurisdiction (Mon.Pr.Ath (asf.m.))
Court of Appeals in Patras (Ef. Patrwn)
Council of State: *Symboulia tis Epikrateias* (StE)
Supreme Civil and Criminal Court: *Areios Pagos* (AP)
Audit Court: *Elegktiko Synedrio* (E.S.)
Special Supreme Court: *Anotato Eidiko Dikastirio* (AED)
Administrative Court of Appeals in Thessaloniki (D.Ef. Thes.)

3.2 Reports

Case reporters are not published by the courts, but by private high academic committees. The names and abbreviations of the reporters are:

For civil cases: *Nomikos Kodikas* (Nom.Kod.)
For civil and commercial cases: *Epitheorisi Emporikou Dikaiou* (E.Emp.D.); *Elliniki Dikaiosini* (Ell.Dik.);
Nomiko Bima (N.B.)
For public law cases (administrative and constitutional law): *Efarmoges Dimosiou Dikaiou* (Efarmoges D.D.);
Diikitiki Diki (D.D.); *To Syntagma* (ToS)
For maritime law cases: *Nautiki Dikaiosini* (N.D.); *Peiraiiki Nomologia* (P.N.)

4.0 Books

Cite books by name of the author(s) [family name, first initial], title (italicized), edition, volume, and place and year of publication:

Doris A., *Modern Payment Systems*, P.N.Sakkoulas, 2nd ed., Athens, 2000.

Subsequent citation within the same document requires writing of the name of the author, the initials “o.p.” or “op.cit.” (italicized), meaning “as above”, and the page number:

Doris A., *o.p.*, pp. 40.

5.0 Articles in Periodicals

Cite article in periodicals by name of the author(s) [family name, first initial], title of the article, title of the periodical (italicized), volume, year, and page referenced:

Miller J., Report on Modern Payment Systems, *Nomiko Bima*, v. 46, 1998, pp. 16.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) [family name, first initial], title of the article, title of the newspaper or periodical (italicized), volume (if any), date [day/month/year], and page referenced:

Rudikoff L., Online Payments, *Kathimerini*, v. 1456, 3/4/2002, pp. 17.

III. SELECTED REFERENCES

N. ANDROULAKIS, POINIKO DIKAIΟ GENIKO MEROS THEORIA GIA TO EGKLIMA [GENERAL PENAL LAW – CRIME THEORY] (2000).

K. MAURIAS, SYNTAGMATIKO DIKAIΟ-THEORIA TOU KRATOUS, POLITEUMA, LEITOURGIES TOU KRATOUS [CONSTITUTIONAL LAW – THE STATE, THE REPUBLIC AND THE STRUCTURE OF THE AUTHORITIES] (2000).

MIX. P. STATHOPOULOS, GENIKO ENOXIKO DIKAIΟ [GENERAL PENAL LAW] (1998).

A. GEORGIADIS, GENIKES ARXES ASTIKOU DIKAIΟΥ [GENERAL PRINCIPLES OF CIVIL LAW] (1997).

HONG KONG

Xianggang Tebie Xingzhengqu (Hong Kong Special Administrative Region)

I. REGION PROFILE (Common Law)

The People's Republic of China resumed sovereignty over Hong Kong on July 1, 1997. Under the “One Country, Two Systems” principle, China’s system and policies are not practiced in the Hong Kong Special Administrative Region, and Hong Kong’s existing system is to remain unchanged until 2047. The Chinese Government is, however, responsible for Hong Kong’s defense and foreign affairs. The official languages of Hong Kong are Chinese and English. Hong Kong’s legal system is based on the common law tradition.

The Basic Law is Hong Kong’s constitutional document. The Basic Law took effect on July 1, 1997.

Executive power is vested in the Government of Hong Kong. The Government is headed by the Chief Executive. The Executive Council assists the Chief Executive in formulating policy. The Government is organized into the Government Secretariat and departments. The Government Secretariat formulates policies and initiates legislative proposals. Departments implement laws and policies and provide direct services to the public.

Legislative power is vested in the Legislative Council. The Legislative Council enacts legislation, approves public expenditures, and monitors the performance of the Government. The vast majority of statutory law is made locally and contained in the Laws of Hong Kong. A great deal of legislation is made under delegated powers. This is called subsidiary legislation. For example, an ordinance may delegate to the Chief Executive in Council (the Chief Executive with the advice of the Executive Council) the power to implement a legislative scheme.

Judicial power is vested in an independent Judiciary. The Judiciary consists of the Court of Final Appeal, the High Court (which comprises the Court of Appeal and the Court of First Instance), the District Court, the Magistrate’s Court, the Coroner’s Court, and the Juvenile Court. In addition, there are a number of tribunals which have special jurisdiction to adjudicate disputes relating to specific, defined areas. These include the Lands Tribunal, the Labor Tribunal, the Small Claims Tribunal, and the Obscene Articles Tribunal.

The Court of Final Appeal has the power of final adjudication. The Chief Justice of the Court of Final Appeal is the head of the Judiciary, both in a judicial and an administrative sense. He is assisted on the administrative support side by a Judiciary Administrator. On the judicial side, the courts are presided over by judges with professional legal qualifications and experience from both Hong Kong and other common law jurisdictions. Some senior judges are recruited from amongst eminent local barristers, while others are promoted from within the Judiciary or from senior posts in the Department of Justice. In addition, there are Registrars and Deputy Registrars who relieve the judges of much “chambers” work (i.e., the work done before, after, or instead of full court proceedings).

Internet Resources:

Legislative Council Annual Report
<http://www.legco.gov.hk/index.htm>
Hong Kong Law Reform Commission
<http://www.info.gov.hk/hkreform>
The Hong Kong Government

<http://library.ust.hk/guides/legal/hkgazsupp.html>
The Hong Kong Government Gazette
<http://www.gld.gov.hk/cgi-bin/gld/egazette/index.cgi?lang=e&agree=0>

II. CITATION GUIDE

There is no uniform code of citation in Hong Kong. The following reflects the citation practice, which is generally followed, of the Hong Kong Law Journal, the leading English language scholarly journal on common law in Hong Kong.

1.0 Basic Law

Cite the Basic Law by title (often abbreviated “BL”, but also referred to as “Basic Law” or “HK Basic Law”), and subdivision(s) referenced:

BL 24(2)(4).

2.0 Legislation

2.1 Hong Kong Legislation

Cite legislation as originally enacted by reference number and year. If the short title of the ordinance is included in a citation, the reference number and year (in parentheses) should follow the title:

No 4 of 2000.

Title of Ordinance (No 4 of 2000).

Cite subsidiary legislation by adding the words “sub leg” (in parentheses):

The Rules of Bankruptcy (sub leg, Cap 6).

2.2 U.K. Legislation

Cite U.K. legislation by title and year (no comma), followed by (“s” or “ss”) and section(s) referenced:

Hong Kong Act 1985, ss 9, 10.

2.3 References

Major references to Hong Kong laws include *Annotated Ordinances of Hong Kong* and *Halsbury's Laws of Hong Kong*.

3.0 Jurisprudence

Cite cases by full name of the parties (italicized), separated with a “v”, year (in square brackets if the year of publication is used as a proxy for volume, and in parentheses if a separate volume

number exists), volume (if available), abbreviated title of the reporter in which the case is published, first page of the case, and page referenced:

Party-A v Party-B [1998] 2 ITLJ 545 at 553C.

Party (1997) 49 Cr App R 83.

Party (n 1 above), p 84.

3.1 Reports

For *Hong Kong Cases* (HKC) and *Hong Kong Law Reports* (HKLR), the date or the name of the court is not needed:

Eastman Kodak, Inc. v Seven-Eleven Corp. [1999] 3 HKC 123.

For unreported cases or cases on-line, include the case number, date and court:

Eastman Kodak, Inc. v Seven-Eleven Corp. unrep., Companies Winding-up No 112 of 1998 (Court of First Instance, 10 May 1999), at 5, <http://website.com>.

Major law reports are:

The Authorized Hong Kong Court of Final Appeal Reports
The Authorized Hong Kong Law Reports & Digest (HKLR)
Hong Kong Cases (HKC)
Hong Kong Inland Revenue Board of Review Decisions
Hong Kong Public Law Reports
Hong Kong Tax Cases

4.0 Books

Cite books by name of the author(s) [last name, first name, middle initial], title (italicized), place of publication, publisher and year (in parentheses), followed by “p” and page referenced:

Delphin, Christopher P., *Musical Ideology*, Vol 1 (New York: Penguin Books, 1990), p 43.

Delphin (see n 2 above), p 27.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [last name, first name, middle initial], title of the article (in quotation marks), year (in square brackets if the year of publication is used as a proxy for volume, and in parentheses if a separate volume number exists), volume (if available), abbreviated title of periodical, first page of the article, and page referenced:

Bendtzen, Kristina “The Double-Marginalization of Poor Black Women in South Africa,” (2004) 8 *Anthropology Quarterly* 39, 45.

Bendtzen, "The Double Marginalization" (n 2 above), p 47.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) (if available) [last name, first name, middle initial], title of the article, title of the journal, date of publication [day month (written out) year], followed by "p" and page referenced:

"Blocks in Scandal May Come Down", South China Morning Post, 22 January 2000, p 1.

7.0 Official Publications

The Laws of Hong Kong is a multi-volume work which holds a compilation of all Hong Kong legislation. *The Hong Kong Government* is published weekly in Chinese and English. It is an official, authoritative publication consisting of a main volume and seven supplementary volumes. Both are available online (see "Internet Resources" section above).

8.0 Citation of Electronic Material

Cite electronic materials by the words "available at," Uniform Resource Locator, followed by "visited" and date visited (in parentheses):

Available at <http://www.gld.gov.hk/> (visited 23 Feb 2002).

INDIA

Republic of India

I. COUNTRY PROFILE (Common Law)

India is a sovereign, socialist, secular, democratic republic. India is comprised of 28 states and 7 union territories. The official languages of India are Hindi and English. In addition, eighteen constitutionally recognized national languages are spoken in the various states and territories.

India's Constitution was adopted on January 26, 1950. Executive power is vested in the Government, which exercises its executive and administrative powers in the name of the President. The President's duties, however, are primarily ceremonial. In reality, executive power is exercised by the Council of Ministers, which is led by the Prime Minister. The President and Vice President are elected by a special electoral college to staggered, five-year terms. The Prime Minister is nominated by legislators of the political party or coalition commanding a parliamentary majority and appointed by the President. Subordinate ministers are appointed by the President on the advice of the Prime Minister.

Legislative power is vested in a bicameral parliament, consisting of the Council of States (*Rajya Sabha*) and the House of the People (*Lok Sabha*). The Council of Ministers is responsible to the House of the People. 233 members of the Council of States are elected by the state and union territory legislatures; twelve members are appointed by the President. Members of the Council of States serve six-year terms; one-third of the members are elected every two years. 543 members of the House of the People are directly elected by the people; two members are appointed. All members serve five-year terms.

Judicial power is vested in the Supreme Court, high courts, and people's courts (*Lok adalats*). The Supreme Court is the court of final appeal. It consists of a chief justice and twenty-five associate justices, all of whom are appointed by the President on the advice of the Prime Minister.

The high courts head each state's judicial administration. Each state is divided into judicial districts presided over by a district and sessions judge, who is the highest judicial authority in a district. Below him or her, there are courts of civil jurisdiction, known in different states as, *inter alia*, *munsifs*, sub-judges, or civil judges. The criminal courts consist of a chief judicial magistrate and judicial magistrates of first and second class. Family law questions are dealt with according to the religious affiliation of the parties.

Many state legislatures are bicameral, patterned after the national Parliament. The states' Chief Ministers are responsible to the legislatures in the same way the Prime Minister is responsible to Parliament. Each state also has a presidentially appointed Governor, who may assume certain broad powers when directed by the central government.

Internet Resource:

Government of India
<http://www.nic.in>

II. CITATION GUIDE

India does not have a uniform citation standard, and citation practices vary considerably among authors.

1.0 Constitution

Cite the Constitution by title (“Constitution of India, 1950” or “CONSTITUTION OF INDIA, 1950”), followed by “art” and article referenced. A less official, abbreviated title may also be used:

INDIA CONST. (1950) art 325.

1.1 Other Foundational Sources of Law

Cite the Government of India Act by title, year (in parentheses), and passage referenced:

Government of India Act, (Year).

Cite Constitutional Assembly Debates by volume, “C.A.D.”, and page referenced:

10 C.A.D. 60.

2.0 Legislation

Citation of legislation varies across authors. Typically, cite legislation by section (“s.”, “S.” or “Sec.”), order (“O.”) or rule (“R.”) referenced, official title, and year. Alternatively, cite legislation by section (“s.”, “S.” or “Sec.”), order (“O.”) or rule (“R.”) referenced, official title, act number, and year:

s.80 (2), Code of Civil Procedure, 1908.

R. 2, Code of Civil Procedure, Act No. 5 of 1908

Cite presidential ordinances by passage referenced, official title, and year. If desired, “No.” followed by ordinance number and “of” may be inserted between title and year:

S. 4, Arbitration and Conciliation Ordinance, 1996.

Sec. 5 (1), Arbitration and Conciliation Ordinance, No.5 of 1996.

There is no uniform system of referring to delegated legislation in India, and citation forms vary dramatically. Legislation may be cited by abbreviated description of the legislation, title of the law or issuing authority, and publication in which the legislation is contained (Gazette of India, abbreviated GAZ. INDIA, or State Government page) by volume, title, page, and place and date of publication:

Noti. 3/154, Passport Act, 1968, Ministry of External Affairs, 1072 GAZ. INDIA 246, New Delhi, 24 Dec 1974.

The abbreviations of legislation are:

Government Order (G.O.)
Notification (Noti.)
Special Government Order (S.G.O.)

2.2 Major Laws and Codes

Major Compilations of Statutes, Laws and Regulations include:

All India Reporter (A.I.R.)
India Code
Code of Civil Procedure
Code of Criminal Procedure
Hindu Code
General Statutory Rules and Orders
Central Acts
Subsidiary Legislation
Current Indian Statutes (C.I.S.)
Current Central Legislation

3.0 Jurisprudence

Typically, cite reported cases by name of the parties [plaintiff or appellant “v.” respondent], and reporter in which the case is published by year or volume (in parentheses), abbreviated title, first page of the case, and page referenced:

S. R. Bommai v. Union of India, (1994) (3) S.C.C. 1, 12.

For decisions of the Privy Council, which existed until 1949, cite to the I.A., A.I.R., or India Cases.

For decisions of the Supreme Court or Federal Court between 1937 to 1950, cite to the S.C.R. or to a reporter listed below which refers to either court.

For a High Court, Supreme Court, Court of the Judicial Commissioner, or Sadar Dewani Adalats, cite to the A.I.R., Indian Decisions, or I.L.R., indicate the jurisdiction of the court in parentheses after A.I.R. or I.L.R. as there are different series for each state or region:

1991 A.L.R. 20 (Mad.) 83.

3.1 Reporters

Major reporters (and their abbreviations) include:

All India Reporter (A.I.R.)	Supreme Court Journal (S.C.J.)
Indian Decisions	Supreme Court Cases (S.C.C.)
Indian Law Reports (I.L.R.)	Supreme Court Almanac (S.C.A.L.E.)
Supreme Court Reports (S.C.R.)	

Previous reporters which no longer exist include:

Indian Cases
Law Reports, Privy (I.App.)
Council, Indian Appeals (I.A.)

Federal Court Reports (F.C.R.)
Federal Law Journal (F.L.J.)

There are also several unofficial law reports that cover particular jurisdictions or areas of law.

3.2 Unreported Decisions

Citation formats for unreported cases vary. Typically, cite unreported cases by name of the parties [plaintiff or appellant “v.” respondent], abbreviated type of case (see list below), “No. ___ of [year]”, abbreviated name of the court (listed above), location of the court (if below a high court), and date of the decision:

Dr. Ajay Kumar Singh v. District Magistrate, Dhanbad, C.A. 156 of 1996, H.C. Pat., 15 May 1997.

Types of cases (and abbreviations) include:

Civil Appeal (C.A.)
Criminal Appeal (Cr.A.)
Criminal Case (C.C.)
Civil Suit (C.S.)
Civil Revision Petition (C.R.P.)
Criminal Miscellaneous Petition (Cr.M.P.)
First Appeal (F.A.)
Habeas Corpus Petition (H.C.P.)
Interlocutory Application (I.A.)
Letters Patent Appeal (L.P.A.)

Miscellaneous First Appeal (M.F.A.)
Original Suit (O.S.)
Original Side Appeal (O.S.A.)
Second Appeal (S.A.)
Special Leave Petition (S.L.P.)
Tax Case (T.C.)
Writ Appeal (W.A.)
Writ Petition - Civil (W.P.(C.))
Writ Petition - Criminal (W.P.(Cri.))

3.3 Names and Common Abbreviations of Courts and Jurisdictions

Cite the currently operational courts, the Superior Courts and High Courts, as ([region] H.C.).

There are 18 High Courts in India, with territorial jurisdiction in appellate and constitutional matters over one or more States. Four High Courts have jurisdiction to hear original civil matters. Names (and abbreviations) for these jurisdictions are as follows:

Bombay (Bom.)
Madras (Mad.)
Calcutta (Cal.)
Dehli (Del.)
Andhra Pradesh (A.P.)
Gauhati (Gau.)
Patna (Pat.)
Himachal Pradesh (H.P.)
Sikkim (Sik.)

Kerala (Ker.)
Karnataka (Kant.)
Orissa (Ori.)
Madhya Pradesh (M.P.)
Punjab & Haryana (P. & H.)
Jammu & Kashmir (J. & K.)
Allahabad (All.)
Rajasthan (Raj.)
Gujarat (Guj.)

Subordinate Courts include:

District & Sessions Court (D. & S.C.)
Magistrate's Court (M.C.)

Civil Court (C.C.)
Metropolitan Magistrate's Court (M.M.C.)

Quasi Judicial Fora and Tribunals include:

Income Tax Appellate Tribunal (I.T.A.T.)
Land Reforms Appellate Tribunal (L.R.A.T.)
Sales Tax Appellate Tribunal (S.T.A.T.)
Motor Vehicles Tribunal (M.V.T.)
Rent Recovery Tribunal (R.R.T.)
Monopolies and Restrictive Trade Practices
Commission (M.R.T.P.C.)
Central Administrative Tribunal (C.A.T.)
State Administrative Tribunal (S.A.T.)
Joint Administrative Tribunal (J.A.T.)
Central Excise, Gold, Appellate Tribunal
(C.E.G.A.T.)
Company Law Board (C.L.B.) Debt Recovery
Tribunal (D.R.T.)
National Human Rights Commission (N.H.R.C.)
Board of Industrial and Financial Reconstruction
(B.I.F.R.)

Names (and abbreviations) of places in which High Courts of British India sat, other defunct High Courts, and Courts of Judicial Commissioners that are since abolished were located include:

Sindh (Sindh)
Lahore (Lah.)
Goa (Goa)

Oudh (Oudh)
Punjab (Punj.)

Courts not in existence or which no longer have jurisdiction over Indian matters include:

Privy Council (P.C.)
Federal Court (F.C.)
Court of the Judicial Commissioner (C.J.C.)

Supreme Court at Calcutta (Calcutta S.C.)
Sadar Dewani Adalat (S.D.A.)

4.0 Articles in Periodicals

4.1 Monographs

Cite monographs by name of the author(s), title, page referenced, edition, and year (in parentheses):

P.C. Rao, Alternative Dispute Resolution - What it is and how it works, 23 (1997).

4.2 Journals

Cite articles in journals by name of the author(s), title of the article, volume, title of the journal (typically abbreviated, *e.g.*, Delhi Law Review (D.L.R.)), page referenced, and year (in parentheses):

Vikram Raghavan, The Environment, Future Generations and Intergenerational Equity: Our Duties to the Posterity, XVII D.L.R. 199 (1997).

IRELAND

Éire (Republic of Ireland)

I. COUNTRY PROFILE (Common Law)

Ireland is a parliamentary, democratic republic. The official languages of Ireland are Irish and English; legislation appears in both languages. The modern Irish state was established in 1937. Ireland was formally declared a republic in 1948. The Irish legal system is based on the common law tradition.

The Irish Constitution (*Bunreacht na Éireann*), enacted in 1937, is Ireland's fundamental legal document. The Constitution describes the main institutions of the state and establishes the legislative, executive and judicial branches of government. It also recognizes and declares certain fundamental personal rights.

Legislative power is vested in the National Parliament (*Oireachtas*). Parliament consists of the President and two houses (Houses of the *Oireachtas*): the Senate (the *Seanad Eireann*) and the House of Representatives (the *Dáil Eireann*). The President is directly elected by the people to a seven-year term and may not serve more than two terms. The President is the head of state, but this is a largely ceremonial role and does not entail executive authority. All legislation passed by Parliament, however, must be presented to the President for final approval. The President may refer legislation to the Supreme Court if a question of constitutionality arises. The President also dissolves the Parliament on the Prime Minister's (*Taoiseach's*) advice, although this power is discretionary if the Prime Minister has ceased to retain a majority of Parliament.

The sixty members of the Senate are either nominated or elected as follows: eleven members are nominated by the Prime Minister, six members are elected by the national universities, and forty-three members are elected from panels of candidates established on a vocational basis. The 166 members of the House of Representatives are directly elected by the people to a maximum term of five years under a complex system of proportional representation.

Primary legislation is passed through Acts of the Parliament, and subordinate legislation is made by Government Ministers under powers conferred on them by Acts. The vast majority of legislation is formulated in this House. Bills to amend the Constitution and financial legislation can only be initiated in the House of Representatives. The Senate does have the power to delay legislative proposals and is allowed ninety days to consider and amend bills sent to it by the House of Representatives. The Senate, however, may only make recommendations as to financial legislation, and this must be done within twenty-one days (as opposed to the normal ninety).

Executive power is vested in the Government. The Government consists of the Prime Minister and at least six, but not more than fourteen, cabinet ministers who meet and act as a collective authority. Formally, the Prime Minister and cabinet ministers are appointed by the President, with the approval of or on the nomination of the House of Representatives. Effectively, the Prime Minister is elected by the political party, or coalition of parties, which holds a majority of the seats in the House of Representatives. Cabinet of ministers are nominated by the Prime Minister and approved by the House of Representatives. In addition to exercising executive authority, the Government acts in an administrative and legislative role. The Government is also responsible for managing public finances, and only the Government may introduce financial legislation in the House of Representatives. If the Prime Minister loses the

support of the majority of the House of Representatives, the result is either the dissolution of the House of Representatives and a general election, or the formation of a successor Government.

Judicial power is vested in public courts established by law. Judges are appointed by the President on the advice of the Government. The courts consist of the following: The court of first instance is the District Court (*an Chuirt Duiche*), which hears minor cases. More serious cases are heard in the Circuit Court (*an Chuirt Chuarda*). The High Court (*an Ard-Chuirt*) has full original jurisdiction in and power to determine all matters and questions, whether of law or fact, civil or criminal. When exercising its criminal jurisdiction, the High Court is known as the Central Criminal Court. The jurisdiction of the High Court extends to the question of the constitutional validity of any law (except laws which the President has already referred to the Supreme Court) and no such question may be raised in any court other than the High Court or the Supreme Court. The High Court also hears appeals from decisions of the Circuit Court in civil matters. The High Court also has power to review the decisions of all inferior tribunals by the issue of prerogative orders of mandamus, prohibition and certiorari.

The Supreme Court (*an Chuirt Uachtarach*) consists of the Chief Justice (who is *ex-officio* an additional judge of the High Court) and 7 ordinary judges. The Supreme Court has final appellate jurisdiction. The Supreme Court also has original jurisdiction to decide whether a bill referred to it by the President is repugnant to the Constitution. If a question of the permanent incapacity of the President arises, it is decided by the Supreme Court.

Internet Resources:

Government of Ireland
<http://www.irlgov.ie>
Irish Law Site at UCC
<http://www.ucc.ie/ucc/depts/law/irishlaw>
Courts Service of Ireland
<http://www.courts.ie>

II. CITATION GUIDE

1.0 Constitution

Cite the Constitution by title (either in English, “Constitution of Ireland, 1937”, or in Irish, “Bunreacht na Éireann, 1937”), preceded or followed by “Art.” or “Article” and article number:

Art. 2, Constitution of Ireland, 1937.

Constitution of Ireland, 1937, Article 40.1.

The “Constitution of the Irish Free State, 1922” (*Bunreacht na Saorstát Éireann*) may be cited for the previous Irish Constitution (1922-1937).

2.0 Legislation

Cite acts by title and year, followed by “Section”, “s.” or “Sec.” and section referenced (if appropriate):

Limited Liability Act, 1855.

Companies Act, 1963, s.2(i).

Safety Health & Welfare at Work Act, 1989 Section 6(1).

Cite statutory instruments by “S.I.”, the S.I. number, and year:

S.I. 156 of 1968.

S.I. No. 133 of 1983.

Cite statutory rules and orders (1922-1947) by “S.R. & O”, the number, and year:

S.R. & O No. 2081 or 1933.

Statutes are compiled in Acts of the Oireachtas (1937-present) and Acts of the Oireachtas (Saorstát Éireann) (1922-1937).

2.3 Treaties and Conventions

Cite treaties and conventions as described in Section 1.0 on Treaties and Conventions (on page 266), filling in the source information with the Irish treaty series by year, “Ir. T.S.”, and treaty number:

[Treaty information], 1930 Ir. T.S., No. 1, [date of entry, etc.].

3.0 Jurisprudence

Cite cases by name of the parties involved (optional), year (in square brackets), volume, abbreviated title of the reporter in which the case is published, and first page or page referenced. The deciding court may also be parenthetically placed:

[1999] 10 ELR 41.

[1990] E.L.R. 155.

[1993] 1 IR 102 (High Court).

3.1 Court Names

Court Names (and abbreviations) are as follows:

Supreme Court (Ir.S.C.)

High Court (Ir.H.Ct.)

Court of Criminal Appeal (Ir.C.C.A.)

3.2 Reports

Major law reporters are entitled and abbreviated as follows (all but those with asterisks are presently defunct):

Employment Law Reports (E.L.R. or ELR)*
Irish Company Law Reports (I.C.L.R. or ICLR)
Irish Reports (I.R. or IR)*
Irish Law Times Reports (I.L.T.R. or ILTR)
Irish Law Reports Monthly (I.L.R.M. or ILRM)*
Irish Law Reports (I.L.R. or ILR)
Irish Jurist Reports (Ir.Jur.Rep.)
Frewen (Frewen)

3.3 Unreported Cases

Cite unreported cases by name of the parties (optional), “Unreported”, name of the court, and date of the decision:

Prows v Frendo Unreported Supreme Court 15th December 1977.

4.0 Books

Cite books by name of the author(s) [family name only], title (italicized), followed by volume, edition, publisher and date (in parentheses), followed by “p.” and page referenced:

Holdsworth, *A History of English Law* (Vol.1, 7th edition Methuen & Co. & Sweet & Maxwell 1956), p. 12.

James, *Introduction to English Law* 10th ed. (Butterworth 1979) pp. 480-496.

5.0 Articles in Periodicals

Cite articles in periodicals by title of the article (in quotation marks), name of the author(s) [first initial, middle initial (optional), family name], volume, title of the periodical (italicized), first page, page referenced, and year (in parentheses):

“The application of Community law in Ireland 1973-1989” by A.M. Collins and J. O’Reilly.
27 Common Market law review 315, 323 (1990).

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) (if known), title of the article (in single quotation marks), title of the publication, volume, year (in parentheses), followed by “p” and page referenced:

Morris, Cooper and Byles ‘Public Attitudes to Problem Definition and Problem Solving’
British Journal of Social Work 3 (1973), p. 301.

7.0 Official Publications

Cite Senate debates by volume, title, column, and date (in parentheses):

99 SEANAD DEB. Col. 555 (Feb. 28, 2000).

Cite House of Representatives debates by volume, title, column, and date (in parentheses):

99 DÁIL DEB. Col. 555 (Feb 28, 1990).

8.0 Unpublished Materials

Cite working papers by issuing authority, paper number, title, and, if available, date (in parentheses):

Working Paper No.3 – 1977, Civil Liberty for Animals (November 1977).

Law Reform Commission Working Paper No. 4 – 1978 ‘The Law Relating to Breach of Promise of Marriage’.

III. SELECTED REFERENCES

RAYMOND BYRNE & J. PAUL MCCUTCHEON, THE IRISH LEGAL SYSTEM (Butterworth 2nd ed. 1990).

RICHARD H. GRIMES & PATRICK T. HORGAN, INTRODUCTION TO LAW IN THE REPUBLIC OF IRELAND (Wolfhound Press 1981).

H. MURDOCH, A DICTIONARY OF IRISH LAW (Topaz Publications 1988).

ISRAEL

Medinat Israel (State of Israel)

I. COUNTRY PROFILE (Common Law)

The State of Israel was founded on May 14, 1948 as a democratic Jewish state. Israel's legal system is based on the common law tradition. The Israeli structure of government is a parliamentary democracy consisting of a legislative, executive and judicial branch. Its institutions are the Presidency (head of State), the Government (Cabinet of Ministers), the Parliament (*Knesset*), and the Judiciary.

Israel's fundamental law is comprised of the Basic Laws. Currently, there are twelve Basic Laws, outlining the fundamental features of the Israeli government; three additional Basic Laws are under consideration. Thus, Israel currently has no formal, single-document constitution. Individual civil rights have been recognized, however, by the Israeli Supreme Court based on two Basic Laws (Human Dignity and Freedom of Occupation) as well as other general rights which have been recognized in Israeli jurisprudence.

Legislative power is vested in Parliament (*Knesset*), which consists of a single, 120 member chamber. Members of Parliament are directly elected by the people to four-year terms. Each party running for election presents a list of candidates, and the number of candidates elected from that party is proportional to the percentage of support the list receives. Legislation may be presented by an individual Parliament member, a group of Parliament members, the Government as a whole, or a single Minister from within the Government.

After independence, Parliament enacted the Law and Administration Ordinance, stipulating that laws prevailing in the country prior to statehood would remain in force so long as they did not contradict the principles embodied in the Declaration of the Establishment of Israel or conflict with laws enacted by Parliament. Thus, the legal system includes remnants of Ottoman law, British Mandate laws, elements of Jewish religious law, and some aspects of other systems. The prevailing characteristic of the legal system, however, is the large corpus of independent statutory and case law that has evolved since 1948.

Executive power is vested in the Government. The President is elected by Parliament to a seven-year term. The President is the head of state, but this is primarily a ceremonial role. The Prime Minister functions as the head of Government and exercises executive power. The President selects the party leader most able to form a Government, usually the head of the largest party in the Parliament, to serve as Prime Minister. Other Ministers are appointed by the Prime Minister with Parliament's approval. These Ministers are typically responsible for one or more government ministries, but can also serve as a Minister without Portfolio.

Judicial power is vested in the Judiciary, which is divided into two main categories. First, there are general courts of law, also called civil courts, which have general jurisdiction. The civil court system is comprised of three levels: the Supreme Court, the District Courts, and the Magistrates' Courts. Second, there are tribunals or other authorities of limited jurisdiction. These tribunals include the military courts, the labor courts, the administrative courts, and the religious courts. The religious courts adjudicate certain matters of family law, with exclusive jurisdiction over some matters (such as marriages and divorces) and with concurrent jurisdiction with the civil courts over other matters. The religious courts apply the rules of their respective religious communities. The jury system is not used. The Supreme Court has supervisory power

over all other courts. It is both a court of appeal and a high court of justice, sitting as a court of first instance in constitutional and administrative cases.

Internet Resources:

State of Israel Government Gateway
<http://www.info.gov.il>
The Knesset
<http://www.knesset.gov.il>
The Judiciary
<http://www.court.gov.il>
Israel Ministry of Foreign Affairs
<http://www.mfa.gov.il>

The State Comptroller and Ombudsman
<http://www.mevaker.gov.il>
Israel Ministry of Justice
<http://www.justice.gov.il>
The Government Internet Committee
<http://www.itpolicy.gov.il>
Central Bureau of Statistics
<http://www.cbs.gov.il>

II. CITATION GUIDE

The authoritative source for citing Israeli legal material is a report published in 1980 in the journal *Hapraklit* (Volume 33). This report is available only in Hebrew.

1.0 Constitution

Israel has no formal, single-document constitution. Rather, it has a series of Basic Laws, some of which contain constitutional rights which have been acknowledged by the Israeli Court.

Cite a Basic Law by title, year, official publication (“S.H.”), and page referenced:

Basic Law: The Knesset, 1993, S. H. 239.

The existing Basic Laws are:

Basic Law: President of the State
Basic Law: The Knesset
Basic Law: The Government
Basic Law: The Judiciary
Basic Law: The Israel Defense Forces
Basic Law: Jerusalem

Basic Law: Israel Lands
Basic Law: The State Comptroller
Basic Law: The State Economy
Basic Law: Human Dignity and Liberty
Basic Law: Freedom of Occupation
Basic Law: The Army

2.0 Legislation

2.1 Primary or Secondary Legislation

Cite statutes and regulations by title and year in which it was first promulgated:

The Criminal Act, 1977.

Niarot Erech, 1968.

More formal citations, which include the series in which the statute or regulation is published, are often avoided insofar as such references may create confusion, e.g., if the Statute has been amended.

Statutes are published in English in the Laws of the State of Israel (L.S.I.). Cite these statutes by volume, “L.S.I.”, first page of the statute, and year of publication.

2.2 Legislative Draft Bills

Cite draft legislation by title, year, series in which the legislation is published (*Hatza-ot Hok*, abbreviated H.H.), and first page of the legislation:

Draft Bill to Amending the Income Tax Ordinance (No. 21), 1974, H.H., 142.

2.3 Treaties and Conventions

Cite treaties and conventions by title (for a list of treaties and conventions, see Section 1.0 on Treaties and Conventions on page 266), the abbreviated title of Israel’s treaty series (*Kitvei Amana*, abbreviated “K.A.”), date of adoption (optional), volume number, first page of the treaty, and date of entry of force (optional):

[Treaty Title], K.A. 2, 1.

3.0 Jurisprudence

Cite cases by type of procedure, case number, district or city in which the court is located if the case was decided by a District or Magistrate Court (in parentheses), name of the parties (in bold, separated by “v.”), abbreviated title of the reporter, volume, part (in parentheses), and first page of the case:

Cr. A. 7024/93, **The State of Israel v. Pelach**, P.D. 49 (1) 1.

D. C. A. (T.A.) 780/70, **Iryat Tel-Aviv-Jaffa v. Shulamit Sapir**, P. D. 25 (2) 486.

LC 53/33-3 **Cohen v. Supersal LTD**, PDA 38(1) 39.

3.1 Procedure Types

The two basic procedure types are civil cases (C.C.) and criminal cases (Cr. C.). General motions may be heard in the civil instance as civil motions (C.M.) or in criminal instances as criminal motions (Cr. M.).

Cases may be heard in a first instance in the Magistrate Court or in the District Court, depending on the matter of the case and the amount claimed.

District court cases:

D.C.C. (civil cases as first instance)
D.Cr.C. (criminal cases as first instance)

D.C.M. (general civil motions)
D.Cr.M. (general criminal motions)

Magistrate court cases:

M.C.C. (civil cases)
M.Cr.C. (criminal cases)

M.C.M. (general civil motions)
M.Cr.M. (general criminal motions)

3.2 Districts

If the case is a District Court (D.C.) case, include the abbreviated name of the district in which the court is located (in parentheses) after the type of procedure. The Districts are:

Jerusalem (Jm.)
Tel Aviv (T.A.)
Haifa (Hi.)

Be'er-Sheva (B.S.)
Nazareth (Nz.)

If the case is a Magistrate Court (M.C.) case, include the name of the city in which the court is located (in parentheses) after the type of procedure.

3.3 Other Courts

The highest court of appeal is the Supreme Court (S.Ct.). Appeals may be on civil issues (C.A.) or on criminal issues (Cr. A.). Constitutional cases, and some Administrative cases, are heard by the Supreme Court while sitting as the High Court of Justice (H.C.).

The appeal court below the Supreme Court is the district court (D.C.), which may sit either as a civil appeals court (D.C.A.) or as a criminal appeal court (D.Cr.A.). Bankruptcy cases are in the jurisdiction of the District Court while sitting as a Bankruptcy Court (Bnk.).

Family cases are in the jurisdiction of Family courts, which are a division of the Magistrate Court and are abbreviated as (Fam.).

Labor cases are in the jurisdiction of labor courts. The first instance of the labor court is the Regional Labor Court (L.C.). Cite labor court decisions by adding the initials of the city in which the labor court is located in parentheses after the type of procedure, as provided above. The Appeal court for decisions of the regional labor courts is the National Labor Court (N.L.C.).

3.1 Reports

Official Reporters include:

Supreme Court cases: *Piskei Din* (P.D.)
District court cases: *Psakim Mehoziim* (P.M.)
Magistrate court cases: *Piskei Din Shalom* (P.S.)
Labor cases: *Piskei Avoda* (P.D.A.)

3.2 Unpublished or Electronically Reported Cases

Cite unpublished cases as if citing a published case but in place of the reporter's name, volume, and page number, write "(not published)".

Cite cases taken from an electronic database similarly to unpublished cases, substituting the phrase "(electronic database)" or the name of the database, *e.g.*, (Takdin), (Dinim), (Pad-Or), etc. for "(not published)":

CA 18/94 **Yarom Ahikam v. Roy Shelah** (Takdin).

Bnk. (T-A) 2118/02, **The Trustee v. Rubanenco**, (not published).

4.0 Books

Cite books by name of the author(s) [first initial, family name], title (in bold), followed by edition, publisher and year (in parentheses), and page referenced:

U. Procaccia **Corporate Law** (1st Ed. Hebrew University, 1989) 142.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the the author(s) [first initial, family name], title of the article (in quotation marks), title of the periodical (in bold), volume, year (in parentheses), and first page of article:

R. Gavison "The Constitutional Revolution: a Reality or a Self-Fulfilling Prophecy?"
Mishpatim 28 (1997) 21.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) [first initial, family name], title of the article (in quotation marks), title of the publication (in bold), date [day.month.year] (in parentheses), and first page of the article:

A. Shachar "Television is Not a Baby Sitter" **Ma 'Ariv** (13.5.80) 21.

III. SELECTED REFERENCES

AMOS SHAPIRA AND KEREN C. DE WITT-ARAR, INTRODUCTION TO THE LAW OF ISRAEL (Kluwer Law International 1995).

THE LAW OF ISRAEL, A GENERAL SURVEY (Harry and Michael Sacher Institute for Legislative Research and Comparative Law, the Hebrew University of Jerusalem 1995).

ESTHER M. SNYDER, ISRAEL: A LEGAL RESEARCH GUIDE (W.S. Hein & Co. 2000).

ITALY

Repubblica Italiana (Italian Republic)

I. COUNTRY PROFILE (Civil Law)

Italy is a parliamentary republic consisting of 20 Regions (*regioni*). The Italian legal system is based on the civil law tradition. Italy is a Member State of the European Union.

The Italian Constitution was adopted on December 22, 1947, and has been effective since January 1, 1948. The State and the Roman Catholic Church are each declared to be independent and sovereign.

The head of the state is the President of the Republic. The President is elected to a seven-year term by the two Houses of Parliament in joint session and by three delegates of Regional Councils for each region (the exception is *Valle d'Aosta* which has only one delegate). The President has the power to dissolve one or both Houses after hearing the opinion of the Presidents of each House.

Executive power is vested in the Government. The President appoints the Prime Minister, who is responsible for the Government's general policy. Other Ministers, who are responsible collectively for their acts as a body and individually for their respective government departments, are also appointed by the President on the recommendation of the Prime Minister. The Government must receive an initial vote of confidence by Parliament, and holds power until the confidence is revoked or Parliament's term expires. Together, the Prime Minister and the other Ministers make up the Council of Ministers (*Consiglio dei Ministri*). Except in cases of necessity and urgency, the Government may not issue Law Decrees (*Decreti legge*) unless the power to do so is properly delegated by Parliament. Law Decrees must be submitted to Parliament. They lose effect as of the date of issue if they are not converted into law within sixty days of their publication.

Legislative power is vested in Parliament (*Parlamento*). Parliament consists of the Chamber of Deputies (*Camera dei Deputati*) and the Senate of the Republic (*Senato della Repubblica*). Legislation may be introduced by the Government, a Member of Parliament, certain other specified bodies, or fifty thousand voters. Ordinarily, legislation is reviewed by committees and then submitted to the Houses. After legislation is passed by both houses and promulgated by the President, it becomes law and is published in the Official Gazette (*Gazzetta Ufficiale della Repubblica*) and in the Official Statute Book of Laws and Decrees (*Raccolta Ufficiale delle Leggi e dei Decreti*).

Judicial power is vested in the Judiciary, which is divided into five categories of jurisdiction: ordinary, administrative, auditing, military, and fiscal. Administrative jurisdiction is exercised by the Regional Administrative Courts (*Tribunali Amministrativi Regionali*, abbreviated TAR) at the local level and by the Council of State (*Consiglio di Stato*) at the national level. Auditing jurisdiction is exercised by the State Auditors' Court (*Corte dei Conti*) through the Public Prosecutor's Office (*Procura della Repubblica*). Fiscal jurisdiction is exercised by the Provincial Fiscal Commissions (*Commissione Tributaria Provinciale*) and the District Fiscal Commissions (*Commissione Tributaria Distrettuale*).

Ordinary jurisdiction is administered in the ordinary courts by magistrates who act either as a Judge (*giudice*) or a Public Prosecutor (*pubblico ministero*). The courts and Judges include the Justice of the Peace (*Giudice di pace*), which has no criminal jurisdiction; the Tribunal (*Tribunale*), which is a court of first instance for more serious civil and criminal cases and also

hears appeals from the Justice of the Peace; the Justice of Surveillance (*Giudice di sorveglianza*), which enforces sentences; the Juvenile Courts (*Tribunale per i minorenni*); the Court of Appeals (*Corte di appello*), which hears appeals from the Tribunals; and the Court of Cassation (*Corte di cassazione*), which is the highest court of appeals. In addition, there are several special courts and a Judge for Preliminary Inquiries (*Giudice per le investigazioni preliminari*), who examines evidence presented by the police in criminal matters and decides whether such evidence is sufficient to bring the accused to trial.

The Italian Constitutional Court is composed of fifteen justices, each of whom serves a nine-year term. One-third of the justices are nominated by the President, one-third by Parliament, and one-third by the ordinary and administrative supreme courts. The Constitutional Court hears cases concerning the constitutionality of laws and acts having the force of law emanating from central and regional government; cases concerning the constitutional assignment of powers within the State, between the State and the Regions and between Regions; and impeachment of the President.

Internet Resources:

Italian Parliament

<http://www.parlamento.it>

Minister of Justice

<http://www.giustizia.it>

Constitutional Court

<http://www.cortecostituzionale.it>

II. CITATION GUIDE

In Italy, there is no uniform national citation manual. However, there are some accepted practices, although they are not always followed.

1.0 Constitution

Cite the Constitution (*La Costituzione*) by “Art.” and article number, followed by abbreviated title (“Cost.”):

Art. 3 Cost.

2.0 Legislation

2.1 Statutes, Laws, and Decrees

Cite statutes, laws, and decrees by source (abbreviated form is acceptable), date, and number. Cite statutes, laws, and decrees in simplified form by abbreviated source, number, and year:

Legge 3 Marzo 1999, n. 10.

L. 10/1999.

Decreto Legge 3 Marzo 1999, n. 10.

D.L. 10/1999.

Decreto Legislativo 3 Marzo 1999, n. 10.

D.Lgs. 10/1999.

Common terms include: Statute (“Legge” or “L.”), Law Decree (“Decreto Legge” or “D.L.”), and Legislative Decree (“Decreto Legislativo” or “D.Lgs.”).

Citations to legislative sources may be followed by the number and the date of the *Official Gazette* (“Gazzetta Ufficiale” or “G.U.”):

D.L. 10/1999, in G.U. 4 Marzo 1999, n. 54.

D.L. 10/1999, in G.U. 54/1999.

2.2 Codes

Cite codes by “Art.” and article number, followed by abbreviated title (Note: “ex art. ____ c.p.c.” means “according to art. ____ c.p.c.”):

Art. 2043 c.c.

The abbreviations for the Codes are:

Civil Code (c.c. or cod. civ.)
Criminal Code (c.p. or cod. pen.)
Code of Civil Proc. (c.p.c. or cod. proc. civ.)
Code of Criminal Proc. (c.p.p. or cod. proc. pen.)
Navigation Code (cod. nav.)

2.3 Treaties and Conventions

Cite treaties and conventions as described in Section 1.0 on Treaties and Conventions (on page 266), filling in the source information with the Italian treaty source (“Trattati e Convenzioni”) by volume, source, and first page:

[Treaty information], 4 Trattati e Convenzioni 3, [date of entry, etc.].

2.3.1 Treaty Sources

Treaties from 1861 to 1945 are published in the *Trattati e Convenzioni fra L'Italia e gli Altri Stati*, abbreviated “Trattati e Convenzioni”.

Contemporary treaties are not published until domestic law is passed which incorporates the treaty, in which case the incorporated treaty text is published in the *Gazzeta Ufficiale* or *Raccolta Ufficiale*.

3.0 Jurisprudence

Cite cases by court, date, and decision number. When citing to a case (except for cases decided by the Court of Cassation), reference should also be made to the law review(s) in which it is published. Cite cases in simplified form by court, decision number, and year:

Cass., 3 Marzo 1999, n. 10.

Cass. 10/1999.

C.A. Milano, 3 Marzo 1999, n. 10.

3.1 Courts

Court abbreviations are:

Court of Cassation: *Corte di cassazione* (Cass.)

Court of Appeals: *Corte d'Appello* (C.A. or App. followed by the city in which it sits)

Tribunal: *Tribunale* (Trib. followed by the name of the city in which it sits)

3.2 Reports

There are no official reports for judicial decisions in Italy.

Abstracts (*massime*) of nearly all decisions of the Court of Cassation are published monthly in the *Massimario* (Mass.), ordered by number.

Moreover, there are secondary sources called *Repertori* (singular: *Repertorio*) in which abstracts (*massime*) of most relevant judicial decisions and references to law review articles are reported by subject.

The two most important *Repertori*, published yearly, (with their abbreviations) are:

Repertorio del Foro Italiano (Rep. Foro it.)

Repertorio della Giurisprudenza Italiana (Rep. Giur. it.)

Furthermore, most law reviews report court decisions both in full text and in abstract. Among the most important, published monthly, (with their abbreviations) are:

Foro Italiano (Foro It., or FI)

Giurisprudenza Italiana (Giur. it., or GI)

Citations to these periodicals follow the normal rule for periodicals (see Section 5.0 below).

4.0 Books

Cite books by the name of the author(s) [first initial, family name] (usually in small caps), title (italicized), volume, edition, publisher and/or place of publication, year, and page referenced:

R. SACCO, *Introduzione al diritto comparato*, I ed., Torino, Utet, 1979.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [first initial, family name] (in small caps), title of the article (italicized), title of periodical (usually abbreviated), year, volume, part, first page of the article, and page referenced:

A. GAMBARO, *Il successo del giurista*, *Foro it.*, 1983, V, 85.

Note: There are different abbreviations in use for the various law reviews. For example: *Rivista di diritto civile* may be abbreviated: "RDC" or "Riv. dir. civ.".

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by the name of the author(s) [first initial, family name] (in small caps), title of the article (italicized), title of the publication, date [day, month, year], part, and page referenced.

III. SELECTED REFERENCES

M. CAPPELLETTI ET AL., *THE ITALIAN LEGAL SYSTEM: AN INTRODUCTION* (Stanford University Press 1967).

T. G. WATKIN, *THE ITALIAN LEGAL TRADITION* (Ashgate 1997).

JAPAN

Nippon

I. COUNTRY PROFILE (Civil Law)

Japan is a constitutional monarchy. The official language is Japanese (*Nihongo*). The country is divided into 47 political and administrative prefectures (called either *to* (1), *do* (1), *fu* (2) or *ken* (43)). Each prefecture contains cities (*shi*), towns (*machi*) and villages (*mura*), which are the smallest political and administrative subdivisions of Japan. Japan's legal system is based on the civil law tradition.

The Constitution of Japan, promulgated in 1946 and made effective in 1947 (*Nihonkoku Kenpo*), prescribes renunciation of war, and the separation of legislative, executive and judicial powers, and includes a bill of rights. Sovereignty belongs to the people, who are represented by the Diet (*Kokkai*). The Emperor is the symbol of the state and of the unity of the people, but has no political powers.

Legislative power is vested in the Diet, which consists of the House of Representatives (*Shugiin*) and the House of Councilors (*Sangiin*). The 500 Members of the House of Representatives are directly elected by the people to four-year terms. Their terms may, however, end prematurely if the Prime Minister (*Naikaku Sori Daijin*) dissolves the House of Representatives. The 252 Members of the House of Councilors are also directly elected by the people. Their terms, however, are six years terms, half of which end every three years.

Executive power is vested in the Cabinet, which consists of the Prime Minister, who is the head of the Cabinet, and ten other Ministers. The Prime Minister is elected by the Members of the Diet, and is typically the leader of the political party that, by itself or in a coalition with other parties, commands a majority of the seats in the House of Representatives. All other Ministers are appointed by the Prime Minister. The Cabinet is collectively accountable to the Diet.

Judicial power is vested in a single system of courts. The Supreme Court (*Saiko Saibansho*, cited as *Saikosai*) is the court of final appeal. It is composed of a Chief Justice and fourteen Justices. The Chief Justice is nominated by the Cabinet and appointed by the Emperor. The other justices are appointed by the Cabinet. A Justice can, however, be removed by the majority of a popular referendum at the first election of Members of the House of Representatives following the Justice's appointment and again after every ten years following the Justice's appointment. The lower courts are established by law. They include eight high courts (*Koto saibansho*), fifty district courts (*Chiho saibansho*), 438 summary courts (*Kan'i saibansho*), and numerous family courts (*Katei saibansho*). High courts hear appeals of district court, family court, and summary court decisions. District courts are the courts of first instance for most criminal and civil cases. Family courts are the courts of first instance for cases involving domestic relations, including inheritance and juvenile delinquency. Summary courts are the courts of first instances for minor criminal and civil cases. The courts have the authority to determine the constitutionality of any official law, order, regulation, or act.

Internet Resources:

House of Representatives:
<http://www.shugiin.go.jp>
House of Councilors:

<http://www.sangiin.go.jp>
National Diet Library:
<http://www.ndl.go.jp>

Prime Minister of Japan / Cabinet:
<http://www.kantei.go.jp>
Cabinet Legislation Bureau:
<http://www.clb.go.jp>
Ministry of Justice:

<http://www.moj.go.jp>
Supreme Court:
<http://www.courts.go.jp>

II. CITATION GUIDE

In Japan, there is no uniform national citation manual. A number of editors of legal periodicals and journals advocate a citation practice provided in the book *Horitsu bunken to so no shutten no hyoji hoho* by Horitsu Henshusha Konwakai, though it is not followed by all authors. The following represents a common practice for Japanese citations using Roman lettering.

0.1 Citing Dates in Japan

Japanese citations often refer to the name of the Emperor and year of the Emperor's reign rather than the Gregorian calendar year. Recent names of Emperors are Meiji 1-45 (1868-1912), Taisho 1-15 (1912-1926), Showa 1-64 (1926-1989) and Heisei 1- (1989-).

1.0 Constitution

Cite the Constitution (*Nihonkoku Kenpo* (1946)) by abbreviated title ("Kenpo"), date, and article and paragraph referenced:

Kenpo, Nov. 3, 1946, art. 9, para. 2.

The previous Constitution, (*Dai Nippon Teikoku Kenpo* (1889)), is abbreviated "Meiji Kenpo."

2.0 Legislation

2.1 Statutes, Laws, and Decrees

Cite statutes (*horitsu*) and decrees by title, translation (in square brackets), followed by "Law No. ___ of [date]", year, article and paragraph referenced, and amendment information. Long titles are often abbreviated:

Chiho jichiho [Local Autonomy Law] Law No. 67 of Apr. 17, 1947, art. 4, para. 1 no. 3, as last amended by Law No. 101 of June 12, 1998.

Joshi rodo kijun kisoku [Rules on Women's Labor Standards] Ordinance of the Ministry of Labor No. 3 of Jan. 27, 1986, art. 3, para. 2, as last amended by Ordinance No. 7 of Mar. 13, 1998.

Decrees subordinating *horitsu* include rules of Houses of the Diet (*giin kisoku*), court rules (*saibansho kisoku*), cabinet orders (*seirei*), Prime Minister's Office orders (*naikaku furei*), ministry ordinances (*shorei*), instructions (*kunrei*), notifications (*kokuji*), and circulars (*tsutatsu*). Statutes and decrees are published in the daily official gazette, *Kanpo*. With very limited

exceptions, the Japanese government does not provide official English translations of statutes and decrees.

2.2 Codes

Japanese law does not distinguish codes from statutes. For example, both *Chiho jichiho* (Local Autonomy Law) cited above and *Minpo* (Civil code) have the same legal status, their titles notwithstanding. However, generally speaking, the term “code” is often reserved for laws having a more fundamental nature.

Cite codes in the same way as statutes:

Minpo [Civil Code], Law No. 9 of June 21, 1899, art. 1, para. 1, as last amended by Law No. 109 of July 16, 2003.

Codes may be also cited by abbreviated title, and article and paragraph referenced:

Minpo, art. 398, para. 1, no. 5.

The abbreviation of major Codes are:

Civil Code: (Minpo)
Commercial Code: (Shoho)
Penal Code: (Keiho)
Code of Civil Procedure: *Minji soshoho* (Minsoho)
Code of Criminal Procedure: *Keiji soshoho* (Keisoho)

2.3 Treaties and Conventions

Cite treaties and conventions as described in Section 1.0 on Treaties and Conventions (on page 266), filling in the source information with a Japanese treaty series (e.g., “Nikokukan Joyakushu”) by title, first page, and page referenced:

[Treaty information], Nikokukan Joyakushu, 100, 110, [date of entry, etc.].

Official Treaty sources include *Nikokukan Joyakushu* and *Tasukokukan Joyakushu*. Treaties may also be cited to the *Horei zensho* or *Kanpo*.

3.0 Jurisprudence

Cite cases by court, date, volume, title of the reporter, and page referenced:

Supreme Court, June 30, 1978, 32 Keishu 670, 674-675.

The names of parties are rarely cited in Japanese documents. When they are cited, they precede the court’s name.

3.1 Reports

The official reporters of courts (and their abbreviations in parentheses) are:

Supreme Court reporters:

Report of Civil Cases: *Saiko saibansho minji hanreishu* (Minshu)
Report of Criminal Cases: *Saiko saibansho keiji hanreishu* (Keishu)

Lower court reporters:

Report of Civil Cases: *Kakyu saibansho minji hanreishu* (“Kaminshu” or “Kamin”)
Report of Criminal Cases: *Kakyu saibansho keiji hanreishu* (“Kakeishu” or “Kakei”)

Major topical reporters:

Report of Administrative Cases: *Gyosei jiken saiban reishu* (Gyoshu)
Report of Civil and Administrative Cases Related to Intellectual Property Issues: *Chiteki zaisanken kankei minji gyosei saiban reishu* (Chiteki saishu)
Report of Labor Cases: *Rodo kankei minji saiban reishu* (“Rominshu” or “Romin”)

Fair Trade Commission (*Kosei Torihiki Inkkai*) reporters (for decisions (*shinketsu*) and orders (*meirei*)):

Kosei Torihiki Inkkai shinketsushu (Shinketsushu)
Kosei Torihiki Inkkai haijo meireishu (“Haijo meireishu” or “Haimeishu”)

There are two major unofficial periodicals commonly used by authors and practitioners, *Hanrei Jiho* [Hanrei Times] and *Hanrei Taimuzu*. Cite each by volume, title, pages referenced, court, and date:

1376 Hanrei jiho 80-88 (Tokyo District Court, May 1, 1991).
1140 Hanrei taimuzu 1-10 (Supreme Court, October 16, 2003).

Note: *Hanrei jiho* is frequently abbreviated as *Hanji*, and *Hanrei taimuzu* as *Hanta*.

4.0 Books

Cite books by name of the author(s) [first name, family name], title, translation (in square brackets), edition, publisher, year, and number of pages:

Soji Yamamoto, *Kokusaiho* [International Law], rev. ed., Yuhikaku, 1994, 522 p.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [first name, family name], title of the article, translation (in square brackets), volume, title of the periodical (often abbreviated), first page of the article, and year (in parentheses):

Keiji Yonezawa, *Nihongo gakko* [Japanese Language School], 931 *Jurisuto* 10 (1989).

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) (optional), title of the article (optional), title of the publication, date, and page referenced:

The Yomiuri Shimbun, October 2, 1977, p. 3.

7.0 Official Publications

Cite official publications by title, reference number (if any), governmental (or other) institution, date or year, and page referenced:

Report on the WTO Consistency of Policies by Major Trading Partners, Industrial Structure Council, Ministry of International Trade and Industry, 1998, p. 33.

III. SELECTED REFERENCES

THE JAPANESE LEGAL SYSTEM: INTRODUCTORY CASES AND MATERIALS (Hideo Tanaka ed., University of Tokyo Press, 1976 (English)).

SHIGEMITSU DANDO, HOGAKU NO KISO [THE BASICS OF JURISPRUDENCE] (Yuhikaku, 1996).

MASAMI ITO, KENPO NYUMON [AN INTRODUCTION TO THE CONSTITUTION] (4th ed., Yuhikaku, 1998).

NOBUYOSHI ASHIBE, KENPO [THE CONSTITUTION] (2nd ed., Iwanami Shoten, 1999).

KOJI SATO, KENPO [THE CONSTITUTION] (3rd ed., Seirin Shoin, 1995).

MASATO ICHIKAWA ET AL., GENDAI NO SAIBAN [MODERN TRIALS] (Yuhikaku, 1998).

HAJIME KANEKO AND MORIO TAKESHITA, SAIBANHO [COURT LAW] (3rd ed., Yuhikaku, 1994).

MALAYSIA

Federation of Malaysia

I. COUNTRY PROFILE (Common Law)

The Federation of Malaysia was established on August 31, 1957. The name “Malaysia” was adopted on September 16, 1963. Malaysia is a parliamentary democracy with a constitutional monarch. It is composed of 13 states and 3 federal territories. The official language of Malaysia is Bahasa Melayu. Malaysia’s legal system is based on common law tradition.

The Constitution is Malaysia’s foundational law. It separates governmental authority between the legislative, executive, and judicial branches. Executive power is vested in the Paramount Ruler (*Yang di-Pertuan Agong*), who is the head of state, and is exercised by the Cabinet of Ministers headed by the Prime Minister.

The legislative power is vested in a bicameral Parliament (*Parlimen*) comprised of the sixty-nine member Senate (*Dewan Negara*), of which forty-three are appointed by the Paramount Ruler and twenty-six by the state legislatures, and the House of Representatives (*Dewan Rakyat*), whose 193 members are directly elected by popular vote weighted toward the rural Malay population to five-year terms. Parliament enacts legislation and may delegate authority to subsidiary persons or bodies.

Judicial power is vested in the courts. The Federal Court is the highest court. Federal Court Judges are appointed by the Paramount Ruler on the advice of the Prime Minister. The court system below the Federal Court is organized in two branches. The highest court in the first branch is the High Court of Malaya, under which are the Sessions Court, Magistrates Court, and Penghulu’s Court. The highest court in the second branch is the High Court of Borneo, under which are the native courts and Magistrates courts. In addition, Islamic law is an important source of Malaysian law, but it is applicable to Muslims only and is administered by a separate system of courts.

Internet Resources:

Parliament
<http://www.parlimen.gov.my>
Judiciary
<http://www.kehakiman.gov.my>
Prime Minister’s Office
<http://www.jpm.my>

Civil Service
<http://mcsl.mampu.gov.my>
The Attorney General’s Chambers
<http://www.ag.gov.my>
The Federal Court Library
<http://www.mahkamah.gov.my>

II. CITATION GUIDE

1.0 Constitution

Cite the Constitution by “Const.” or “Federal Constitution”, followed by “Art.” and article referenced:

Federal Constitution, Art. 32(3).

2.0 Legislation

Cite legislation by title and year, followed by “s.” or “ss.” and section(s) referenced:

Companies Act 1989, ss.395-407.

3.0 Jurisprudence

Cite cases by name of the parties (italicized and separated by “v.”), year (in square brackets), and reporter in which the case is published by volume, abbreviated title and first page of the case:

Public Prosecutor v. Anthony Wee Boon Chye and Anor [1965] 1 M.L.J. 189.

3.1 Reports

Major reports include:

Malayan Law Journal: (M.L.J.)
Malayan Cases
Malayan Law Reports
Law Reports of the Malayan Union

4.0 Books

Cite books by name of the author(s) [last name only], title (italicized), place of publication, publisher, edition (optional), year (in parentheses), and page referenced:

Groves, *The Constitution of Malaysia*, Singapore, M.P.H. Ltd. (1964), p.42.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [last name only], title of the article (in quotation marks), year (in parentheses), volume, abbreviated title of the periodical, first page of the article, and page referenced:

Ziegel and Cuming, “The Modernization of Canadian Personal Property Security Law” (1981) 31 Univ. of Toronto L.J. 248 at p.232.

6.0 Newspapers and Weekly Journals

No information available.

7.0 Official Publications

Cite official publications by title, volume, and date:

Malayan Union Gazette G.N. 2/1946.

III. SELECTED REFERENCES

WU MIN AUN, MALAYSIAN LEGAL SYSTEM (Heinemann Educational Books (Asia) Ltd. 2nd ed. 1978).

RH HICKLING, MALAYSIAN LAW (Professional (law) Books Publishers 1987).

RH HICKLING ET AL., THE CONSTITUTION OF MALAYSIA: ITS DEVELOPMENT: 1957-1977 (Tun Mohamed Suffian et al. eds., Oxford Univ. Press 1978).

TUN HAJI MOHD ET AL., THE CONSTITUTION OF MALAYSIA: FURTHER PERSPECTIVES AND DEVELOPMENTS: ESSAYS IN HONOUR OF TUN MOHAMED SUFFIAN 1957-1977 (F. A. Trindade & H. P. Lee eds., Oxford Univ. Press 1986).

MEXICO

Estados Unidos Mexicanos (United Mexican States)

I. COUNTRY PROFILE (Civil Law)

Mexico is a democratic, federal republic, comprised of 31 states and the Federal District, which comprises some of the metropolitan area known as Mexico City. The official language is Spanish. Mexico's legal system is based on the civil law tradition.

The Political Constitution of the United Mexican States (*Constitución Política de los Estados Unidos Mexicanos*) was promulgated on February 5, 1917. It provides for separation of powers, and guarantees personal freedoms and civil liberties. Governmental powers both at federal and state level are divided between executive, legislative, and judicial branches.

Legislative power is vested in the bicameral Congress of the Union (*Congreso de la Unión, Congreso Federal* or simply *Congreso*), which is composed of the Chamber of Representatives (*Cámara de Diputados*) and the Senate (*Senado*, often cited *Senado de la República*). The Chamber of Representatives has 500 members who are elected by the people to three-year terms. 300 members are elected by majority vote and the remaining 200 members are selected from political party lists on the basis of proportional representation. The Chamber of Representatives has exclusive authority to approve the federal budget and review the annual public account. The Senate has 128 members, elected to six-year terms. Sixty-four members are elected by relative majority vote (i.e., to those candidates who win the most votes in their respective districts), thirty-two seats members assigned by the first minority (i.e., political party that finished second in vote preferences) and thirty-two members assigned on the basis of proportional representation. The Senate has exclusive authority to ratify international treaties signed by the President, declare the dissolution of local powers, and appoint ministers of the Supreme Court of Justice.

All members of the Congress have an alternate, and incumbents may not be reelected immediately following their term. The two chambers share authority to pass constitutional amendments (together with local legislatures), enact federal legislation, initiate and prosecute impeachment proceedings, and exercise concurrent control of the federal public administration.

Executive power is vested in the President (*Presidente de los Estados Unidos Mexicanos*). The President is directly elected by the people, and can serve only one six-year term. The President is empowered to freely select his Cabinet, and, with the consent of the Senate, to select the Attorney General, diplomats, ambassadors, and high-ranking military officers. He also presents a list of candidates to the Senate for positions on the Supreme Court of Justice. The President is granted a quasi-legislative prerogative known as *Facultad Reglamentaria* which allows him to enact regulations (*Reglamentos*) for the purpose of implementing or enforcing federal law.

The Federal Public Administration includes the Departments of State (*Secretarías de Estado*), which are under the direct supervision of the Executive; government-owned or government-controlled companies (*Administración Paraestatal*); and certain Autonomous Bodies (institutions that are not under the direct control of the Executive).

Judicial power is vested in the courts. The Supreme Court of Justice of the Nation is the highest court. Its eleven members serve fifteen-year terms. The Supreme Court hears cases in panels specialized by subject matter (*Salas*) or by sitting *en banc*. The Supreme Court hears only cases that involve constitutional interpretation or that are of special interest to the nation.

Under the Supreme Court are the Collegiate Circuit Courts, the Unitary Circuit Courts, and the District Courts. The Collegiate Circuit Courts are composed of three Magistrates; the Unitary Circuit Courts of one Magistrate. The District Courts are the courts of first instance in the federal judiciary. The Council of the Federal Judicature appoints all federal judges to six-year terms.

The Federal Electoral Court decides disputes arising out of federal elections. It is divided into a High Division and several Regional Divisions. Seven Electoral Magistrates, who serve ten-year terms, compose the High Division; three Electoral Magistrates, who serve eight-year terms, compose each of the Regional Divisions. Electoral Magistrates are appointed by the Senate, which selects them based upon the recommendations of the Supreme Court of Justice.

The Council of the Federal Judicature is composed of seven members: the President of the Supreme Court of Justice, who serves as president of the Council; one Magistrate from the Collegiate Circuit Courts; one Magistrate from the Unitary Circuit Courts; one judge from the District Courts; two members appointed by the Senate; and one member appointed by the President. The Council administers federal court resources, and appoints Magistrates to the Collegiate and Unitary Circuit Courts and Judges to the District Courts. It also supervises the quality and improvement of judicial work through a program of academic and practical specialization.

Each state is served by two levels of government: state and municipal. At the state level, authority is divided between the legislative, executive and judicial branches. The state legislatures are composed of only one chamber, the Chamber of Representatives of the Congress of the State of <name of the state> (*Cámara de Diputados del Congreso del Estado de <name of the state>*, sometimes *Cámara de Diputados* or *Congreso del Estado*, depending on the context). There are State Superior Courts as well as trial-level civil, criminal, commercial, and other specialized courts. Municipal government deals primarily with local administrative issues.

Internet Resources:

Congress of the Union
<http://www.congreso.gob.mx>

Chamber of Representatives
<http://www.camaradediputados.gob.mx>

Senate
<http://www.senado.gob.mx>

Presidency of the Republic
<http://www.presidencia.gob.mx>
Supreme Court of Justice of the Nation
<http://www.scjn.gob.mx>
Council of the Federal Judicature
<http://www.cjf.gob.mx>

II. CITATION GUIDE

There is no comprehensive uniform national or local citation manual in Mexico or its states. Nevertheless, there are certain official rules and some generally accepted citation practices.

The most important of such official rules at the Federal level are contained in articles 271 and 272 of the Federal Code of Civil Procedure (*Código Federal de Procedimientos Civiles*), and articles 15 and 17 of the Federal Code of Criminal Procedure (*Código Federal de Procedimientos Penales*), though these rules are relaxed in administrative or day-to-day usage:

- a) Prohibition of the use of abbreviations in judicial records, orders, resolutions, briefs, bills, and all kinds of court proceedings; [However, the use of shorter

phraseology is allowed when the reference is clear from the context; only abbreviations are prohibited.]

- b) All such documents must be produced in Spanish or be accompanied by official translation; and
- c) All dates and amounts must be in words. [However, in practice both words and numbers are used.]

Each of the states and the Federal District has similar rules embodied in their local laws.

1.0 Constitution

Cite the Constitution by “Artículo” followed by article number, and any of the following: “*Constitución Política de los Estados Unidos Mexicanos*,” “*Constitución*,” “*Constitución Federal*,” “*Carta Magna*,” “*Carta Fundamental*,” or “*Ley Suprema*,”:

Artículo 22 Constitución.

Artículo 22 de la Carta Magna.

2.0 Legislation

2.1 Statutes, Codes, Laws, and Regulations

Cite statutes, codes, laws, and regulations by “Artículo” followed by article number, the words “de la” or “del”, official title. Date of publication is optional and is often included in a footnote.

Artículo 80 de la Ley General de Sociedades Mercantiles.

Artículo 14 del Código Civil Federal.

Cite statutes, codes, laws, and regulations no longer in force by official title and indication of subsequent legislative history (abrogated, modified, derogated, etc.):

Ley Federal de la Reforma Agraria, derogada por la Ley Agraria.

Statutes, codes, laws, and regulations can also be cited to include the year when they became effective law. Cite by official title, “vigente desde” (meaning “effective since”), and the applicable year:

Ley General de Asentamientos Humanos, vigente desde 1976.

Names of Codes and Statutes can be abbreviated. However, it is not recommended to do so. Some of the most common abbreviations are:

Código Civil Federal (C.C.F.)
Código Federal de Procedimientos Civiles
(C.F.P.C.)
Código Penal Federal (C.P.F.)

Código Federal de Procedimientos Penales
(C.F.P.P.)
Ley General de Títulos y Operaciones de Crédito
(L.G.T.O.C.)

Ley General de Sociedades Mercantiles
(L.G.S.M.)
Ley de Concursos Mercantiles (L.C.M.)
Código Fiscal de la Federación (C.F.F.)

Ley del Impuesto Sobre la Renta (L.I.S.R.)
Ley Federal del Trabajo (L.F.T.)
Ley de Inversión Extranjera (L.I.E.)
Ley del Mercado de Valores (L.M.V.)

2.2 Decrees

Cite decrees of Congress or the President by type, date, and official title or main subject:

Decreto de fecha 29 de abril de 1996 por el que se deroga el artículo 115 bis del Código Fiscal de la Federación.

3.0 Jurisprudence

Cite local cases by type of process or action, docket number (for cases after the year 2000 [number/year(0000)]; for prior cases, [number/year(00)]), tribunal, jurisdiction (in parentheses), and name of the main parties (separated by “vs.”):

Juicio Mercantil Ordinario, Expediente 1896/99, Juzgado Segundo Mercantil (Primer Partido Judicial del Estado de Jalisco), Bancomer S.A. vs. Karl Steins.

Cite federal cases by type of process (e.g., “Amparo directo” or “Amparo indirecto”), docket number (for cases after the year 2000 [number/year(0000)]; for prior cases, [number/year(00)]), name of the petitioner; and tribunal and jurisdiction:

Amparo directo 91/99, Jorge Cassals Romero, Segundo Tribunal Colegiado en Materia Administrativa del Tercer Circuito.

The abbreviations of *Amparos* are:

Amparo Directo (A.D.)
Amparo en Revisión (A.R.)
Amparo Indirecto (A.I.)

3.1 Legal Interpretations

Cite summaries of decisions by the Supreme Court of Justice and the Collegiate Circuit Courts (*tesis de jurisprudencia*) by title or heading (*Rubro*) (in capital letters), legal abstract of the decision (*tesis*), period (*Época*), level of court (*Instancia*), source (*Fuente*), volume and date (*Tomo o Parte y fecha*), legal abstract number (*Tesis*), first page of the case (*Página*), and precedents (*Precedentes*).

TRATADOS INTERNACIONALES. SE UBICAN JERARQUICAMENTE POR ENCIMA DE LAS LEYES FEDERALES Y EN UN SEGUNDO PLANO RESPECTO DE LA CONSTITUCION FEDERAL. Tesis. Novena Época. Instancia: Pleno. Fuente: Semanario Judicial de la Federación y su Gaceta. Tomo: X, noviembre de 1996. Tesis: P. LXXVII/99. Página: 46. Precedentes [Precedents].

3.2 Official Reports

Cite only official reporters, the names of which must not be abbreviated. Cases are divided by period (*Época*), and the reporters differ depending on the *Época* that is cited:

Fifth (*Quinta*) to Seventh (*Séptima*) *Época*: Semanario Judicial de la Federación

Eighth (*Octava*) *Época*: Semanario Judicial de la Federación; Gaceta del Semanario Judicial de la Federación

Ninth (*Novena*) *Época*: Semanario Judicial de la Federación y su Gaceta

Note: State courts do not use reports of decisions, since they do not elaborate *jurisprudencia* in the same sense as the Federal high courts do.

4.0 Books

Cite books by name of the author(s) [first name, middle name, family name], title (usually underlined or italicized), volume (if any), edition (if any), publisher, place of publication, year, and page referenced:

Jorge Alberto Silva, *Derecho internacional sobre el proceso*, McGraw-Hill, México, 1997, p.73.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [first name, middle name, family name], title of the article (usually in quotation marks), title of the periodical (usually underlined or italicized), volume, year, and page referenced:

Carlos Romero Pefta, "La nueva ley de responsabilidades de los servidores públicos", *Revista de Derecho del Instituto de Investigaciones Jurídicas de la Universidad de Guadalajara*, vol. 34, 1997, p.112.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by the name of the author(s) [first name, middle name, family name], title or heading of the article (usually in quotations marks), title of the publication (usually underlined or italicized), date, and page referenced:

Jorge Aguirre, "Bancos y deudores ad infinitum", *Periódico Público*, 15 de julio de 1996, p.10.

7.0 Official Publications

Cite official publications of the Federal Government (*Diario Oficial de la Federación*) by title or abbreviation title, and date of publication. Each state publishes its own official gazette; the names of which differ depending on the State. Cite official State Gazettes by title and date of publication.

Diario Oficial de la Federación (D.O.)

Gaceta Oficial del Estado de [name of the state]

Periódico Oficial del Estado de [name of the state]
Boletín Oficial del Estado de [name of the state]
Diario Oficial del Estado de [name of the state]

Cite other official publications by title, governmental department or public entity, date, and page referenced.

8.0 Unpublished Materials

Cite theses by name of the author(s) [first name, middle name, family name], title (usually underlined or italicized), type of thesis, university, year, and page referenced:

Salvador Fonseca González, *El recurso de revocación en materia aduanera y la jurisprudencia de la Suprema Corte de Justicia de la Nación*, tesis profesional, Universidad de Guadalajara, 1995, p.142.

Cite other unpublished materials by the name of the author(s) [first name, middle name, family name], title, volume, source (usually italicized), the word “unpublished” (*inédito* or *inédita*), location, and year:

Walter Frisch Philipp, “Los derechos internacional privado y procesal internacional mexicanos, de ayer, hoy y un posible mañana”, *Ponencia presentada al XIX Seminario Nacional de Derecho Internacional Privado y Comparado*, inédita, México, 1995.

9.0 Citation of Electronic Material

Electronic materials are not generally accepted as a reliable source. Cite to the original sources where possible. Electronic materials may be cited if there is no other source available.

10.0 Unwritten Sources

Cite lectures, conferences, speeches, interviews or other unwritten material broadcast by radio or television by name and title of the person speaking, subject or title of the speech (if any) (usually in quotation marks), nature of the source (usually underlined or italicized), the word “unpublished” (*inédito* or *inédita*) (if applicable), place, year or date, and hour (especially in the case of broadcasted information):

Francisco José Contreras Vaca, “Análisis crítico de la Convención por la que se Suprime el Requisito de Legalización de los Documentos Públicos Extranjeros”, *Ponencia presentada en el XIX Seminario Nacional de Derecho Internacional Privado y Comparado*, inédita, México, 1965.

Alberto Cárdenas Jiménez, Gobernador del Estado de Jalisco, *entrevista televisada por Canal 4 de Guadalajara*, 5 de mayo de 1999, 14 horas.

III. SELECTED REFERENCES

FRANCISCO AVALOS, THE MEXICAN LEGAL SYSTEM, (Greenwood Press 1992).

JAMES E. HERGER, AN INTRODUCTION TO THE MEXICAN LEGAL SYSTEM (W.S. Hein 1978).

GUILLERMO FLORES MARGADANT S., AN INTRODUCTION TO THE HISTORY OF MEXICAN LAW (Oceana Publications 1981).

ALBERTO MAYAGOITIA G., GUIDE TO MEXICAN LAW (Univ. of New Mexico Press 1977).

MEXICAN LAW: A TREATISE FOR LEGAL PRACTITIONERS AND INTERNATIONAL INVESTORS (West Group 1998).

EARL WEISBAUM, MEXICO: A LEGAL AND BIBLIOGRAPHIC GUIDE (Law Library Univ. of Houston ed., 1990).

MOROCCO

Al-Mamlakah al Maghribiyah (Kingdom of Morocco)

I. COUNTRY PROFILE (Civil Law)

Morocco is a constitutional monarchy with an elected bicameral Parliament. Morocco's official language is Arabic. The country is divided into sixteen regions, which are further divided into sixty-five provinces and prefectures. The provinces and prefectures are in turn subdivided into 1,544 urban and rural communes. Morocco's legal system is a mixture of the Islamic and civil law traditions.

The Constitution, adopted by referendum on September 13, 1996, guarantees certain basic freedoms, procedural rights, and property rights. It also provides for the system of governance.

The King, or "Commander of the Faithful" (*Amil Al-Muminin*), is the head of state, the supreme Muslim religious authority in the country, and commander in chief of the armed forces. The King appoints the Prime Minister and, based on the Prime Minister's recommendations, appoints and dismisses Cabinet Ministers. The King presides over Cabinet meetings and may dismiss the Government. In times of crisis, the King may declare a state of emergency and take all necessary measures to defend the country and to restore the normal functioning of constitutional institutions, except that he cannot dissolve the Parliament without first consulting the presidents of the Houses of Parliament.

Executive and administrative power is vested in the Government, which is composed of the Prime Minister and Cabinet Ministers. It is accountable to both the King and Parliament. The government ensures that the laws are executed and oversees the activities of the ministries and other administrative bodies. In addition, the Prime Minister may introduce bills in Parliament.

Legislative power is vested in Parliament, which consists of the House of Representatives and the House of Counselors. The 325 members of the House of Representatives are directly elected by the people to five-year terms. The 270 members of the House of Counselors serve nine-year terms; one-third of the members are elected every three years. 162 members are elected by the local councils, and the remaining 108 members are selected by representatives of business associations and trade unions. All legislation is enacted by Parliament. Members of both Houses may initiate legislation. Parliament may also vote to censure the Government, which forces its resignation.

Judicial power is vested in the courts. The Constitutional Council is composed of twelve members who serve a single nine-year term. Six members are appointed by the King, three by the President of the House of Representatives, and three by the President of the House of Counselors. The Council determines the fairness of elections of Members of Parliament and referenda. It also reviews the constitutionality of organic laws (laws pertaining to fundamental laws of governance) and of the rules of procedure of the two Houses of Parliament, both of which are subject to mandatory review before they are promulgated. The Council also rules on the constitutionality of laws prior to promulgation. Only the King, the Prime Minister, the President of the House of Representatives, the President of the House of Counselors, or one-third of the Members of Parliament may request such review. Decisions of the council are final, and laws cannot be reviewed after they are promulgated.

The Supreme Court is the highest court in Morocco. It supervises a legal system consisting of twenty-one Courts of Appeal, sixty-eight Courts of First Instance, 837 Communal and District Courts, eight Trade Courts and seven Administrative Tribunals. The Supreme Court is the final court of appeal from judgments of all lower courts. The Courts of Appeal try criminal cases and hear appeals from lower courts. Cases involving small sums of money are heard by the Communal and District Courts, while more important civil cases are heard by the Courts of First Instance. The Trade Courts handle certain commercial disputes. Finally, the Administrative Tribunals rule on disputes relating to the powers of the administration, administrative contracts, and claims for compensation for wrongs done by public entities. They are also empowered to ascertain the consistency of administrative acts with legal provisions.

The Qur'an is still a source of law. It is applied by the *Quadis* (Muslim judges who interpret and administer the religious law of Islam) and is limited to the family law issues of Muslims. Likewise, rabbinical law applies to issues of family law for Jews.

Internet Resources:

Ministry of Culture and Communication
http://www.mincom.gov.ma/english/e_page.html
House of Representatives
<http://www.majliss-annouwab.ma/>

Prime Minister Office
<http://www.pm.gov.ma/fr/index.html>
Ministry of Justice
<http://www.justice.gov.ma/>

II. CITATION GUIDE

There is no uniform national citation manual in Morocco. There are some accepted practices, but all authors do not follow them.

1.0 Constitution

Cite the Constitution (*Dustur al-Mamlakah al-Maghribiyah*) by abbreviated title (“Mor Const”), followed by “Art.” and article number:

Mor Const, Art. 3.

2.0 Legislation

2.1 Laws and Decrees

Cite laws and decrees by title or abbreviated title, number, and date. Citations may be followed by the date and number of the issue of the Official Gazette of Morocco (*al-Jaridah al-Rasmiyah al-Maghribiyah*, abbreviated Mor OG) in which the law or decree is published:

Law no. 608.76.1 of October 1976 amending the law of Military Justice (Qanun al-Adl al-Askari). *In* Mor OG of January 5, 1977, no. 3349, p.3.

2.2 Codes

Cite codes by title or abbreviated title, followed by “art.” and article number. Citations may be followed by the date and number of the issue of the Official Gazette in which the code is published:

Criminal Code of Morocco (al-Majmuah al-Jinaiyah al-Magribiyah), art. 21. *In* Mor OG of June 5, 1963, no. 2640 bis, p. 11.

Note: the Criminal Code of Morocco (al-Majmuah al-Jinaiyah al-Magribiyah) is abbreviated “Mor CrimC”.

3.0 Jurisprudence

Cite cases by court, date, name of the parties (italicized and separated by “v.”), and number. For cases other than those decided by the Supreme Court, include a reference to the law review in which the case is published:

Supreme Court Decision, March 19, 1982, *ONCF v. Maghribi Mohamed* in *Supreme Court Reports*, no. 31, March 1983, p. 145.

Rabat Court of Appeal, Dec. 14, 1962 in *Revue marocaine de droit*, 1965, p. 74.

Most Moroccan cases are not reported in any official system of case reporting and remain unpublished.

4.0 Books

Cite books by name of the author(s) [first name or initial, middle name (if desired), family name (in capital letters)], title (italicized), publisher, place of publication, year, and page referenced:

François Paul BLANC, *Droit pénal général marocain*, Sochepress, Casablanca, 1984, p. 176.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [first name, family name (in capital letters)], title of the article (in quotation marks), title of the periodical (abbreviated if available), year, volume or number, and page referenced:

Ahmed EDDAHBI, “État de la recherche en matière de domanialité publique” in *Revue Marocaine de droit et d’économie du développement*, 1995, no. 35, p. 55.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s), title of the article (italicized), title of the publication, date [day, month, year], part, and page referenced.

III. SELECTED REFERENCES

DRISS BASRI ET AL. TRENTE ANNEES DE VIE CONSTITUTIONNELLE AU MAROC [THIRTY YEARS OF CONSTITUTIONAL LIFE OF MOROCCO] (Lib. générale de droit et de jurisprudence, Paris 1993).

ABDELLAH BOUDAHRAIN, ELEMENTS DE DROIT PUBLIC MAROCAIN [ELEMENTS OF MOROCCAN PUBLIC LAW] (L'Harmattan, Paris 2000).

BERNARD CUBERTAFON, LA VIE POLITIQUE AU MAROC [POLITICAL LIFE OF MOROCCO] (L'Harmattan, Paris 2001).

JEAN-LOUIS MIEGE, LE MAROC [MOROCCO] (PUF, Paris 2001).

MOHAMED TOZY, MONARCHIE ET ISLAM POLITIQUE AU MAROC [MONARCHY AND POLITICAL ISLAM OF MOROCCO] (Presses de Sciences Po, Paris 1999).

JOSEPH N. WEATHERBY, THE MIDDLE EAST AND NORTH AFRICA: A POLITICAL PRIMER (2001)

THE NETHERLANDS

Koninkrijk der Nederlanden (Kingdom of the Netherlands)

I. COUNTRY PROFILE (Civil Law)

The Kingdom of the Netherlands is a constitutional monarchy that consists of twelve provinces, and also includes the Netherlands Antilles and Aruba. The Netherlands Antilles and Aruba have a separate legal system, but it is based on the Dutch system. The capital of the Netherlands is Amsterdam, but the political capital is The Hague. The official languages are Dutch and Frysian. The Netherlands' legal system is based on the civil law tradition. The Netherlands is a Member State of the European Union.

Executive power is vested in the Government. The Government is nominally headed by the Monarch, whose duties are largely ceremonial. Executive power is exercised primarily by executive cabinet, the Prime Minister, and the Council of Ministers. The Monarch's functions include reading the *Troonrede*, a presentation of the most important governmental plans for the coming year, on the third Tuesday of September. During elections, the Monarch appoints the person who is in charge of the formation of a new cabinet. The cabinet consists of fourteen ministers, headed by the Prime Minister, who are selected from the party or parties who hold a majority of the seats in Parliament.

The Council of State (*De Raad van State*), composed of the Monarch, the heir apparent, and the Councilor, advises the Prime Minister regarding legislation, signature and ratification of international treaties, and other matters which should, by law, be heard by the Council of State before the Government can act. Furthermore, the Council can give unsolicited advice to the Government.

Legislative power is vested in a bicameral legislature. Within the legislature, the First Chamber (*Eerste Kamer*) has seventy-five members who are elected by members of the Provincial governors (*Provinciale Staten*). Its tasks include rejecting or accepting legislation (it cannot propose legislation), and controlling the cabinet. The 150 members of the Second Chamber (*Tweede Kamer*) are directly elected by the people. The Second Chamber controls the cabinet, and has the right to change, approve or reject a legislation proposed by the Government. The most important legislation is that passed by both chambers that constitute the States General (*Staten Generaal*) together with the central government, the Crown (*Kroon*) together with the ministers.

Judicial power is vested in the courts. Dutch courts usually have three different chambers: civil law, criminal law, and administrative law chambers. There are four levels of courts. The lowest level is comprised of the sixty-two subdistrict sector courts (*Kantongerechten*), each administered by one judge, which are distributed over the whole country and serve as courts of first instance in labor and rent disputes, and claims involving small amounts of money. The second level courts, serving as courts of first instance in other matters such as administrative law, are the District Courts (*Rechtbanken*). There are nineteen District Courts. Each consists of several chambers comprised of three judges, one of which is the presiding judge. The third level courts are the five Courts of Appeal (*Gerechtshoven*), which serve as general courts of appeal and courts of first instance for tax law. The Courts of Appeal also consist of several chambers, again comprised of three judges, including a presiding one. Some of these courts have divisions that handle cases in particular subject areas, such as enterprise or military issues.

The highest court is the Supreme Court of the Netherlands (*Hoge Raad*), which deals with matters of criminal law, tax law, and private law. The Supreme Court is also divided in three chambers, composed of three or five judges (except in cases against government officials, transgressions by MPs, ministers, constitutional committees and provincial governors, in which there are ten judges). The administrative law system consists of several supreme courts: the *Afdeling bestuursrechtspraak*, which is part of the *Raad van State* and has jurisdiction primarily over planning law and environmental law; the *Centrale Raad van Beroep*, which deals primarily with matters related to social security and civil servants; and the *College van beroep voor het bedrijfsleven*, which deals with trade and economic administrative law matters.

The most important form of local government are the municipalities (*gemeenten*). There are approximately 670 municipalities, which are run by a directly elected council that varies in size from seven to forty-five members depending on population.

Internet Resources:

Access to all government sites:
<http://www.overheid.nl>
Parliament:
<http://www.parlement.nl>
First Chamber:
<http://www.eerstekamer.nl>

Second Chamber
<http://www.tweede-kamer.nl>
Council of State:
<http://www.raadvanstate.nl>
Judicial system
<http://www.rechtspraak.nl>

II. CITATION GUIDE

In the Netherlands there are no official legal citation rules. The *Leidraad voor juridische auteurs* is often used by legal scholars and is considered to be an important guideline for legal citations, although it is not complete.

1.0 Constitution

For a number of reasons, the Dutch Constitution (officially entitled *Grondwet voor het Koninkrijk der Nederlanden van 24 augustus 1815, Stb. 45, zoals deze wet laatstelijk laatstelijk is gewijzigd bij de Wet van 25 februari 1999, Stb. 133, 134 en 135*) does not play an important role in lawmaking in the Netherlands. Cite, when necessary, to the shortened name (*De Grondwet*), or the abbreviation (Gw).

2.0 Legislation

2.1 Statutes

Statutes are published in the official law gazette, the *Staatsblad* (abbreviated *Stb.*). Cite statutes by title, “*Stb.*” (italicized), and year and number of the relevant *Staatsblad*:

Wet van 28 maart 1996, *Stb.* 1996, 320.

Wet op de Telecommunicatievoorzieningen, *Stb.* 1988, 520.

2.2 Codes

Cite codes by “Art.” followed by article number, and abbreviated title:

Art. 6:162 BW.

The abbreviations of major Codes are:

Burgerlijk Wetboek (BW)

Wetboek van Burgerlijke Rechtsvordering (Rv.)

Algemene Wet Bestuursrecht (Awb)

Wetboek van Strafrecht (Sr.)

Wetboek van Strafvordering (Sv.)

2.3. Decrees

Ministerial decrees and regulations are published in the *Staatscourant* (abbreviated *Stcrt.*), the official newspaper of the state. Cite decrees and regulations by title, “*Stcrt.*” (italicized), followed by year and number of the relevant *Staatscourant*, “p.”, and page referenced:

Besluit van de Minister-President van 31 maart 1996, *Stcrt.* 1996, 18, p. 7.

2.4 Treaties and Conventions

Treaties and conventions are published in the official treaty gazette, the *Tractatenblad* (abbreviated *Trb.*). Cite treaties and conventions by title, place and date of establishment, “*Trb.*” (italicized), followed by year and number of the relevant *Tractatenblad*:

Verdrag inzake verhaal in het buitenland van uitkeringen tot onderhoud, New York 20 juni 1956, *Trb.* 1957, 121.

3.0 Jurisprudence

While there is no mandatory citation form for cases, cases are typically cited by court or source (abbreviated), location of the court (if necessary to distinguish), date, title of the reporter in which the case is published (abbreviated and italicized), year, and sequence number or page and paragraph referenced:

Hof Amsterdam 7 december 1995, *NJ* 1996, 12.

Pres. Rb. ‘s-Hertogenbosch 16 juli 1982, *NJCM-Bulletin* 1982, p. 334.

If the decision has not been published, provide the court’s docket number:

Hof Amsterdam 8 december 1995, rolNr. 95/345.

If possible, cite other relevant information such as the location of the holding or the name of the Attorney-General:

HR 23 september 1994, *NJ* 1996, r.o. 35 (concl. A-G Hartkamp).

3.1 Courts

Ordinary Jurisdiction Courts include:

High Court: *Hoge Raad* (HR)
Appeals Court: *Gerechtshof* (Hof <region>)
First Instance Court: *Arrondissementsrechtbank* (Rb. <region>)
Court of First Instance for minor cases: *Kantongerecht* (Ktg. <region>)
Military Court of Appeals: *Hoog Militair Gerechtshof* (HMG <region>)
Court martial: *Krijgsraad* (Kr.)

Special Jurisdiction Courts include:

High Administrative Court: *Afdeling Rechtspraak van de Raad van State* (Adf. Rechtspr.)
Special Court of Appeals: *Centrale Raad van Beroep* (CRvB)
Social Security Court: *Raad van Beroep (Sociale Verzekering)* (RvB)
Civil Service Court: *Ambtenarengerecht* (Ambt.)
Public Trade Appeals Court: *College van Beroep voor het Bedrijfsleven* (CBB)
Tax Court: *Tariefcommissie* (Tar. Comm.)

3.2 Reports

The most common jurisprudential reporters (and abbreviations) are:

The main publisher of Supreme Court and other relevant lower court cases: *Nederlandse Jurisprudentie* (NJ)
Decisions by administrative agencies: *Administratiefrechtelijke Beslissingen* (AB)
Summary judgment cases: *Kort Geding* (KG)
Tax court decisions: *Beslissingen in Belastingzake*, *Nederlandse Belastingrechtspraak* (BNB)

Note: Jurisprudential reporters (and their abbreviations) are always italicized in citations.

4.0 Books

Cite books by name of the author [family name, first initial], title (italicized or underlined), place of publication, publisher, and year:

Renkema, J. *Schrijfwijzer*, 's-Gravenhage: SDU Uitgeverij, 1989.

In footnotes or endnotes short form citations may be used [name of the author, year, and page referenced] if the full title is cited earlier:

Renkema 1994, p. 18.

If the author's name includes a prefix (e.g. Dick van Dijk) cite this prefix after their family name and initials. Cite a second author by initials and family name:

Dijk, D., van, & G.J.H. van Hoof, *De Europese Conventie in theorie en praktijk*, Nijmegen: Ars Aequi Libri 1990.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author [family name, first initial], title of the article (in single quotation marks), title of the periodical (italicized), volume (if different from the year of publication (in parentheses)), year of publication and issue number [year-number], and first and last page of the article:

Koopmans, T., 'Intellectuele eigendom, economie en politiek', *Informatierecht/AMI* (18) 1994-6, p. 107-111.

Koopmans, T., 'Intellectuele eigendom, economie en politiek', *Informatierecht/AMI* 1994, p. 107-111.

Titles of periodicals may be abbreviated if the full name of the periodical appears in a list of abbreviations or if the abbreviation is commonly used and known by the public.

6.0 Newspapers and Weekly Journals

Newspaper articles should be treated as periodical articles. Cite articles in newspapers and weekly journals by name of the the author [family name, first initial], title of the article (in single quotation marks), name of the newspaper (italicized), date, and page number:

Rooy, M., van, 'Gewelddadig rood. Jan Cremer annexeert het Haags Gemeente Museum', *NRC Handelsblad* 19 november 2001, p. 20.

7.0 Official Publications

No information is available.

8.0 Unpublished Materials

Cite unpublished materials in book citation format (see Section 4.0 above). It is useful to include additional information (in parentheses) necessary to locate the source:

Advies inzake de toekomstige juridische status van de door de SER uitgevaardigde fusiegedragsregels en een preventieve materiële toetsing van fusies door de overheid (advies van 21 januari 1971, SER/ 7702), 's-Gravenhage: SER 1976.

9.0 Citation of Electronic Material

Cite Internet sources (web pages or web sites) by author or organization, web page title, year, Uniform Resource Locator, and date viewed (in parentheses):

Burka, L.P., 'A Hypertext History of Multi-User Dimensions', *MUD History*, 1994 (<http://www.nyu.edu/pubs/jilp/>) (19 november 2001).

NEW ZEALAND

I. COUNTRY PROFILE (Common Law)

New Zealand is a constitutional monarchy within the Commonwealth, nominally subject to the British Sovereign, who appoints a Governor General to represent her locally. The country's basic form of government is parliamentary democracy. Though not a federal system, the country consists of some sixteen Administrative Divisions providing local government services. New Zealand's legal system is based on the common law tradition. The official languages are English and Māori.

The New Zealand's constitution derives from several sources, including not only written statutes and jurisprudence, but also the common law discretionary power of the Sovereign. Its principal formal statement is contained in the Constitution Act 1986, which outlines the basic structure of government and formally abrogates the British Parliament's power to legislate to New Zealand. Several other New Zealand statutes are important components of the Constitution, including the State Sector Act of 1988, the Electoral Act of 1993, the Judicature Act of 1908 and the New Zealand Bill of Rights Act of 1990. The Constitution also incorporates relevant statutes from the United Kingdom, such as the Magna Carta, Bill of Rights of 1688, Act of Settlement 1700, and Habeas Corpus Acts. The Treaty of Waitangi, which transferred sovereignty to the British Queen in 1840, gained importance after the establishment of the Waitangi Tribunal in 1975 and is increasingly considered a constitutional document. Done in both English and Māori versions, it acts to limit majority decision-making in order to protect the interests of the indigenous Māori population.

While the Constitution nominally divides power among executive, legislative and judicial branches of government, these are not entirely separate. New Zealand has a unicameral Parliament made up of a House of Representatives with 120 Members elected to three-year terms. Sixty-nine Members are directly elected from single-member constituencies, with the remainder selected from party lists based on the principle of proportional representation. The Sovereign is also formally part of Parliament.

As head of state, the Governor General officially has the power to summon, dissolve or suspend Parliament and to name the Prime Minister, along with other Ministers and important office holders. The Governor General nominally presides over the Executive Council (Cabinet). All Cabinet Ministers must be Members of Parliament. The executive branch has the power to make treaties, though most are presented to the House for review. Most legislation originates in the Cabinet before being submitted for approval by Parliament, and assent by the Governor General. Sovereign assent is required before a bill may become law. Parliament may also delegate some rulemaking authority to the Executive. Such regulations are reviewed by a Parliamentary committee and published in a gazette prior to taking effect.

Most government acts are reviewable by New Zealand's independent judiciary. In addition to specialist courts and tribunals dealing with family law, youth, employment, environment, Māori lands, etc., New Zealand has several courts of general jurisdiction. Minor criminal offenses, and civil claims under \$200,000 may be heard in the sixty-six district courts. Original jurisdiction over serious crimes and larger civil claims rests with the High Court, which may also hear appeals of some decisions by the district courts and some specialist tribunals. The Court of Appeal has appellate jurisdiction over all matters originating in the High Court, as well as some criminal matters from the district courts and some employment appeals. The Court of

Appeal may by leave hear matters previously appealed to the High Court from the district court if they are of sufficient significance.

The Supreme Court Act 2003 created a Supreme Court of New Zealand to replace the Judicial Committee of the Privy Council, which sat in England. This Court was established on January 1, 2004, and began hearing cases on July 1, 2004. The Privy Council retains interim jurisdiction over some cases (generally those cases appealed to the Council prior to January 1, 2004). The Supreme Court may hear appeals by leave in criminal or civil cases from the Court of Appeal, and, in exceptional circumstances, from lower courts. Its decisions will bind the Crown.

The Waitangi Tribunal, established in 1975 as a forum for Māori claims against the Crown, is more a permanent commission of inquiry than a true court. Although it generally has the power only to make nonbinding recommendations to parties or the Crown on how a claim should be settled, the Tribunal is said to have exclusive authority to interpret the Treaty of Waitangi.

Internet Resources:

The Government
<http://www.govt.nz>

Parliament
<http://www.parliament.govt.nz>

Ministers of the Crown
<http://www.cabinet.govt.nz>

Law Commission of New Zealand
<http://www.lawcom.govt.nz>

New Zealand Government on-line
<http://www.nzgo.govt.nz>

New Zealand Local Government on-line
<http://www.localgovt.co.nz>

New Zealand Parliamentary Counsel Office
<http://www.pco.parliament.govt.nz>

Ministry of Justice
<http://www.justice.govt.nz>

II. CITATION GUIDE

There is no official guide to legal citations in New Zealand. The following therefore only reflects some accepted practices and suggestions.

1.0 Constitution

New Zealand does not have a formal written constitution, though its constitutional framework is derived from historical and recent legislation, the Treaty of Waitangi, Conventions and Letters Patent of the Governor-General (available at <http://www.adls.org.nz/lawnz/sourcenz.html>).

2.0 Legislation

2.1 Statutes, Acts, and Laws

Cite acts by short title or, if the act does not have a short title, full title (italicized), year, jurisdiction (if necessary) (in parentheses), and subdivision referenced:

Contractual Remedies Act 1979.

2.2 Bills

Cite bills in the same way as acts but do not italicize the title:

Forests Amendment Bill 1992.

2.3 Treaties and Conventions

Cite treaties and conventions, as described in Section 1.0 on Treaties and Conventions (on page 266), filling in the source information with the New Zealand treaty series by year, abbreviated title (“N.Z.T.S.”), and treaty number:

[Treaty information], 1950 N.Z.T.S. No. 1, [date of entry, etc.].

3.0 Jurisprudence

Cite cases by name of the parties [first plaintiff and defendant only, separated by “v”] (italicized), year, volume, title of the reporter in which the case is published (often abbreviated), first page of the case, and page referenced.

Where appropriate the author(s) of the judgment may be identified in parentheses after the page number. Cite the year in square brackets instead of parentheses if the case appears in a report in which volumes are organized by year. When available, citations should be made to the *New Zealand Law Reports* (NZLR):

Estate Realities Ltd v Wignall [1992] 2 NZLR 615, 631 (Tipping J).

3.1 Maori Land Court and Māori Appellate Court

Cite decisions as above, using minute book references:

Re Wharekawa East 4A and K Waaka (1983) 207 Rotorua MB 212.

The abbreviations of minute books are:

Minute Book (MB)
Appellate Court Minute Book (ACMB)
Chief Judge’s Minute Book (CJMB)

3.2 Waitangi Tribunal

Cite reports of the Waitangi Tribunal in the same way as books:

Waitangi Tribunal, *The Taranaki Report – Kaupapa Tuatahi* (1996).

4.0 Books

Cite books by name of the author(s) [first name, family name], title (italicized), edition, year (in parentheses), and page referenced:

John Collinge, *The Law Relating to Restrictive Trade Practice and Monopolies, Mergers & Take-Over in New Zealand* (2nd ed., 1982).

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [first name, family name], title of the article (in single quotation marks), year (in parentheses), volume, title of the periodical (italicized), first page of the article, and page referenced:

Donald Clark, 'Revocation and the Unilateral Contract: A Reappraisal' (2000) 1 *NZ Law Review*, 17.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of author(s) [first name, family name] or as editorial, title of the article (in single quotation marks), title of the newspaper (italicized), place of publication including country if published overseas (in parentheses), date of publication, and page referenced:

Rosemarie North, 'Lawyers Take Cautious Approach to Real Estate', *The Southland Times* (Invercargill), 7 September 1999, 16.

7.0 Official Publications

No information is available.

8.0 Unpublished Materials

Cite working papers by name of the author(s) [first name, family name], title (in single quotation marks), working paper number, institute or organization, year (in parentheses), and page referenced:

Sam Brown and Mike Scott, 'Topic of Working Paper?' (Working Paper No 112, School of Law, Example University, 1996) 2.

Cite theses by name of the author(s) [first name, family name], title of the thesis (italicized), and type of the thesis, university and year (in parentheses).

Suzanne Romano, *Topic of Thesis* (PhD thesis, Sample University, 1978).

9.0 Citation of Electronic Material

9.1 Articles published on the Internet

9.1.1 Journal articles only available on the Internet

Cite journal articles only available on the Internet by name of the author(s) [first name, family name], title of the article (in single quotation marks), year (in parentheses), volume, issue (in parentheses), title of the journal (italicized), article reference, Uniform Resource Locator, and paragraph referenced (in square brackets).

9.1.2 Articles published on the Internet which are not part of a Journal

Cite articles published on the Internet which are not part of a Journal by name of the author(s) [first name, family name], title of the article (in single quotation marks), year (in parentheses), homepage title, relevant organization, article reference, Uniform Resource Locator, and paragraph referenced (in square brackets):

Des Butler, 'Once More into the Mire, Dear Friends: Determining the Existence of a Duty of Care in Negligence' (2000) *National Law Review* 3 <<http://www.nlr.com.au>> [4].

9.2 Electronic Mail

Cite electronic mail by name of the author [first name, family name], email address (in triangular brackets), "email", and date (in parentheses):

Jim Matt <jmmatt@mail.com.nz>, email (13 January 1999).

10.0 Unwritten Sources

10.1 Interviews conducted by the author

Cite interviews conducted by the author by "Interview with" followed by name of the person interviewed, title and institution of the person interviewed, and location and date (in parentheses):

Interview with Stacey Gould, Managing Partner, Gould & Associates, (Auckland, 5 November 1998).

10.2 Interviews not conducted by the author

Cite interviews not conducted by the author by name of the interviewer, "interview with", name of the person interviewed, title and institution of the person interviewed, and location and date in parentheses:

Bill Sonner interview with Nick Jameson, Managing Partner, Joneson & Associates, (Auckland, 8 November 1998).

III. SELECTED REFERENCES

AUSTRALIAN GUIDE TO LEGAL CITATION (Melbourne University Law Review Association Inc. ed. 1998).

COLIN FONG & ALAN EDWARDS, AUSTRALIAN AND NEW ZEALAND LEGAL ABBREVIATIONS (2nd ed. 1995).

RAYMOND D. MULHOLLAND, INTRODUCTION TO THE NEW ZEALAND LEGAL SYSTEM (Butterworths, 1979).

NIGERIA

Federal Republic of Nigeria

I. COUNTRY PROFILE (Common Law)

Nigeria is a federal republic comprised of thirty-six states and the Federal Capital Territory. Nigeria became an independent nation on October 1, 1960. Its official language is English. Nigeria's legal system is based on the common law tradition. The current Constitution entered into force on May 29, 1999.

Executive power is vested in the President, who is directly elected by the people. Legislative power is vested in the National Assembly, which consists of a Senate and a House of Representatives. Members of both houses are directly elected by the people to four-year terms. Under the Constitution, the National Assembly has the power to make laws "for the peace, order and good government of the Federation." Any law made by the National Assembly is referred to as an "Act" or an "Act of the National Assembly." Each state within the Nigerian Federation has a House of Assembly which has the power to make laws for the state. Legislation passed by state assemblies is known as a "Law." The Constitution provides that laws enacted by the National Assembly prevail over inconsistent state laws.

Judicial power is vested in the courts. In addition to common law, the courts may also apply local customary law, particularly in disputes concerning matrimonial issues, family disputes, inheritance and personal relations. The Supreme Court of Nigeria has original jurisdiction over matters of constitutional interpretation and disputes between the Federation and a state or between states. The Supreme Court also has original jurisdiction over any other matter that may be brought before it pursuant to an Act of the National Assembly. The Supreme Court is court of final appeal for decisions of the Federal Court of Appeal on questions of law relating to any civil or criminal matter. The Court of Appeal has appellate jurisdiction over decisions of the Federal High Court and State High Courts regarding both civil and criminal matters. It also has appellate jurisdiction over decisions of specialized courts, namely the Sharia Court of Appeal (with respect to any question of Islamic personal law) and the Customary Court of Appeal (on questions of customary civil law).

The Federal High Court has jurisdiction over civil and criminal matters at the federal level. The capital city, Abuja, also has its own High Court of the Federal Capital Territory, a Sharia Court of Appeal of the Federal Capital Territory, and a Customary Court of Appeal of the Federal Capital Territory.

Each state has a Magistrate's Court, which is the court of first instance for certain categories of criminal and civil cases. Each state also has a High Court, which has unlimited civil and criminal jurisdiction and which also hears appeals from lower courts. Some states have also followed the model of the Federal system by having their own specialized courts such as the state Sharia Court of Appeal and the state Customary Court.

In the Northern Region of Nigeria, Magistrate Courts have only criminal jurisdiction. Civil jurisdiction is vested in district High Courts. There are also separate Native Courts, which apply customary or Islamic law. Appeals from decisions of the Native Courts are heard by the native appeals division of the state's High Court. Northern states also have a Sharia Court of Appeal which hears appeals from lower courts in matters of Muslim personal law. Decisions of the Sharia Court of Appeal are final except in cases where a constitutional question brings the case before the Federal Supreme Court.

Internet Resources:

Government of Nigeria
<http://www.nigeria.gov.ng/>
International Centre for Nigerian Law:
<http://www.Nigeria-law.org/>
Access to judgments & law reviews:
<http://www.nigerianlaws.com>

II. CITATION GUIDE

There is no uniform code of citation in Nigeria. However, there is a widely recognized system of citation based upon the United Kingdom's system of citation.

1.0 Constitution

There have been a series of constitutions adopted over the years in Nigeria; therefore, it is customary to refer to the specific Constitution in mind. Cite Constitutions by title, year, chapter number (optional, in square brackets), and section number:

Constitution of the Federal Republic of Nigeria, 1979, [cap.63] S.258(1).

2.0 Legislation

2.1 Act of National Assembly

Cite acts by title, year, part, chapter, section, and subsection and subparagraph (in parentheses):

Land Use Act 1978 S.25(1)(a).

2.2 Law of State House Assembly

Cite laws by title, number, year, and name of the state (in parentheses):

Bush Burning Prohibition Law No. 5 of 1997 (Ogun State).

2.3 Decrees

Cite decrees by some or all of the following: title, decree number, year, section, and subsection and subparagraph (in parentheses):

Robbery and Firearms (Special Provisions) Decree, 1970 S.2(1)(a).

Alternatively, cite decrees by title, decree number, and year:

Constitution (Suspension and Modification) (Amendment) Decree No. 17 of 1985.

Or cite by number and year:

Decree No.28 of 1970.

2.4 Edicts

Cite edicts by number and year. Optionally, include title and state concerned (in parentheses):

Edict No. 5 of 1997.

3.0 Jurisprudence

3.1 Reported Cases

Cite reported cases by name of the parties (underlined and separated by “v.”), year (in parentheses), and reporter in which the case is published by volume, abbreviated title, part number (if available, in parentheses), and page referenced:

Bolaji v. Bamgbose (1986) 4 N.W.L.R (Pt.37) 632.

3.2 Unreported Cases

Cite unreported cases by names of the parties (underlined and separated by “v.”), “(unreported)”, case number (if available), date, and, optionally, name of court, and division (in parentheses):

The State v. Ado (unreported) delivered on 9th day of April 1999, Lagos State High Court (Civil Division).

Alternatively, cite unreported cases as follows:

Akinloye v. Oyejide (unreported) Suit No HC/9A/81 of 17 July 1982.

3.3 Reports

There is no longer an official law reporter in Nigeria. Reporting of cases in Nigeria is predominantly carried out by individuals or individual organizations and the citation format depends on the Law Report being cited. The most popular Law Report is the Nigerian Weekly Law Reports (N.W.L.R) which is published by Nigerian Law Publications. Most of the reported decisions are those of the Supreme Court and the Court of Appeal.

4.0 Books

Cite books by name of author(s) [first name, last name], title, and place of publication and year (in parentheses):

Niki Tobi, Nigerian Land Law (Nigeria, 1987).

5.0 Articles in Periodicals

Cite articles by the name of the author(s) [family name only], title of the article (in quotation marks), year (in parentheses), abbreviated title of the journal (italicized), volume, and first page of the article:

Sholanke, "The Nigerian Land Use Act – A volcanic Eruption or a slight tremor?" (1992)
J.A.L. Vol.36, No.1, p.1

NORWAY

Kongeriket Norge (The Kingdom of Norway)

I. COUNTRY PROFILE (Civil Law)

Norway is a constitutional monarchy with a modified unicameral parliament. It is divided into 19 counties (*fylker*), each of which is composed of smaller municipalities (with their own political organs and administrative powers). Norway's two official languages are Bokmål and Nynorsk. Its legal system is a mixture of customary law and the civil and common law traditions.

Executive power is vested in the Government. The King is the head of state, although this role is primarily ceremonial. Executive power is almost always exercised by the Council of Ministers in the name of the King (the King's Council). The King's Council consists of the Prime Minister and other Ministers (collectively, the Government). The Prime Minister, who heads the Government, is selected by the party or parties that hold a majority of seats in the Parliament (*Storting*). Parliament may remove the Government by a vote of no-confidence.

Legislative power is vested in Parliament. The 165 Members of Parliament are elected from the counties to four-year terms according to a complex system of proportional representation. After elections, the Storting divides into two chambers, the *Odelsting* and the *Lagting*, which meet separately or jointly depending on the legislative issue under consideration.

Judicial power is vested in the courts. The courts are administered by the Ministry of Justice, which is responsible for budget, personnel, organizational development, and other purely administrative matters. Courts include the regular courts and the High Court of the Realm, which hears impeachment cases. The regular courts include the Supreme Court, which is composed of seventeen Judges and a President; Courts of Appeal; City and County Courts; the Labor Court; and conciliation councils, which are composed of laypersons and function both as a mediation body and a court. In addition to the regular courts, there are several specialized tribunals, including the Severance Tribunal, which hears cases involving, *inter alia*, agricultural land area and boundary disputes; the Industrial Tribunal, which hears labor disputes relating to wage agreements; and the Social Security Tribunal, which is a quasi-judicial administrative body that hears appeals from decisions rendered pursuant to the National Insurance Act. Judges of the regular courts are appointed by the King's Council after nomination by the Ministry of Justice.

All regular courts have jurisdiction over both civil and criminal cases. The courts may set aside laws enacted by Parliament if they conflict with the Constitution, and may also rule on the validity of decisions made by State and municipal authorities.

Internet Resources:

Norwegian government
<http://www.odin.dep.no>
Norwegian law
<http://www.lovddata.no>

II. CITATION GUIDE

1.0 Constitution

Cite the Constitution (*Grunnloven*) by abbreviated title (“Grl.”), and subdivision referenced:

Grl § 105.

2.0 Legislation

2.1.1 Statutes, Decrees, and Regulations

Cite statutes and decrees by title (often abbreviated), date [day. month year], number, and subdivision referenced:

Lov omfri rettshjelp 13. juni 1980 nr. 35 §§ 4-5.

From 1969 onwards the laws are numbered consecutively within each calendar year. Thus, citations to laws and decrees enacted after 1969 may omit the date, although retaining the date is considered better form.

Cite administrative regulations enacted pursuant to statutes in the same form as statutes:

Forskrift om Bouvet - øya 19. september 1930 nr. 3663.

2.1.2 Royal Decrees

Some regulations are enacted through Royal Decrees (*kongelig resoulusjon*), which are governmental acts taken pursuant to a decision by the King’s Council. Cite Royal Decrees by abbreviated title (“Kgl. Res.”), date [day. month year], and number:

Kgl. Res. 23. desember 1994 nr. 1129.

2.2 Gazette

Laws and administrative regulations are published in the official gazette (*Norsk Lovtidend*). There is generally no need to reference the date or page when citing to the official gazette.

3.0 Jurisprudence

Cite reported cases by abbreviated title of the reporter, year, and page referenced. Include name of the court (in parentheses) when citing an Appeals Court or Lower Court decision:

Rt. 1975 s. 220.

RG 2003 s. 858 (Bergen Tingrett).

3.1 Reporters

The most common reporters and their abbreviations are:

Supreme Court decisions: *Norsk Retts Tidende* (Rt.)

Selected Appeals Court decisions and lower court decisions: *Rettsens Gang* (RG)

3.2 Unreported Decisions

Cite unreported cases by case number and date [day, month, year].

4.0 Books

Cite books by name of the author(s), editor or publisher, title (but normally not the subtitle), place of publication, edition (if any) and year (in parentheses), and page referenced:

Jo Hor, *Avtalebrudd og partsskifte* (Oslo 1997).

5.0 Articles in Periodicals

Cite to the full name of the author, title of the article (recommended, but not required), the title of the periodical (usually abbreviated if it is a well known periodical), the publication year, first and last page number of the article, and the page referenced:

Thor Falkanger, *Bankers motregningsrett*, LoR 1993 s. 406-480, på s. 451.

PAKISTAN

Islam-i Jamhuriya-e Pakistan (The Islamic Republic of Pakistan)

I. COUNTRY PROFILE (Common Law)

Pakistan is a constitutionally-based parliamentary democracy that became independent in 1947. Pakistan's official language is Urdu.

The Constitution of 1973, amended substantially in 1985, was suspended in October 1999. It was restored on December 31, 2002. The Constitution outlines Pakistan's governmental structure.

The Pakistani Constitution provides that the President is the head of state and the Prime Minister is the head of Government. Both must be Muslims. The President, who must be a member of the National Assembly, is elected to a five-year term by an electoral college consisting of Members of both houses of Parliament and Members of the Provincial Assemblies. The Prime Minister is selected by the National Assembly and serves a four-year term.

The bicameral Parliament (*Majlis-e-Shoora*) consists of the Senate, whose 100 Members are indirectly elected by the Provincial Assemblies to four-year terms, and the National Assembly. Sixty of the 342 Members of the National Assembly must be women and ten must be minorities. All Members are directly elected by the people to four-year terms.

The judicial system is composed of a Supreme Court, Provincial High Courts, and Federal Islamic (or Shari'a) Court. The Supreme Court is Pakistan's highest court. The President appoints the Chief Justice and together they determine the other judicial appointments. The Supreme Court may, upon the filing of a proper petition, determine whether a law or provision is repugnant to Islam based on the teachings of the Holy Qur'an and the Sunnah of the Prophet Muhammad. Each Province has a High Court, the justices of which are appointed by the president after conferring with the Chief Justice of the Supreme Court and the Provincial Chief Justice.

Despite the country's common law roots, both pre- and post-independence legislation has been codified and compiled in the Pakistan Code. Under the Constitution, the government of Pakistan is obligated to bring all laws into conformity with Islam. To achieve this objective, many statutes based on Islamic injunctions have been enacted.

Each Province is headed by a Governor and Provincial Cabinet, all of whom are appointed by the chief executive. The Northern Areas and Federally Administered Tribal Areas are administered by the federal government but enjoy considerable autonomy.

Internet Resource:

Government of Pakistan
<http://www.pakistan.gov.pk/>

II. CITATION GUIDE

There is no uniform code of citation in Pakistan. What follows represents a common form for citations in English.

1.0 Constitution

Cite the Constitution by abbreviated title (“Const.”) (in small caps), article, section and paragraph referenced. When the Constitution cited is no longer in force, place the year in parentheses:

CONST. art. VII, sec. 12.

CONST. (1973), art. III, sec. 1.

2.0 Legislation

2.1.1 Federal Statutes

Cite federal statutes by article or section referenced, title, and number and year (in parentheses):

S.11, Federal Minister and Ministers of State (Salaries and Allowances and Privileges) Act (LXII of 1975).

2.1.2 Provincial Statutes

Cite provincial statutes by article or section referenced, title, and year:

S.21, Punjab Civil Servants Act, 1974.

2.1.3 Presidential Orders

Cite presidential orders by title (optional), “Pres. Order No.” or “P.O. No.”, order number, year, and article or section referenced:

Revival of the Constitution of 1973 order, 1985: P.O. No. 14 of 1985, Art.2 and Sch. item 1.

2.1.4 Executive Orders (February 23, 1986 to July 26, 1987)

Cite executive orders by title (optional), “Exec. Order No.” or “E.O. No.”, order number, year (in parentheses), and the reporter in which the order is published (usually the Official Gazette, abbreviated “O.G.”) by volume, abbreviated title, page, date [month year (in parentheses)], and article or section referenced:

Exec. Order No. 200 (1986), 4 O.G. 132 (May 1986), art. 2.

2.2 Codes

Some statutes are commonly cited as codes and need not include the type of session law that created the code. Cite codes by name, number and year (in parentheses), and section:

Civil Procedure Code (V of 1908), S.115.

3.0 Jurisprudence

Cite cases by name of the parties (separated by “v.”), year (in parentheses), name of the court, first page of the case, and page referenced.

Alternatively, and more commonly, cite cases by name of the parties (separated by “v.”), and reporter in which the case is published by year, abbreviated title, first page of the case, and page referenced:

Zulfiqar Ali Bhutto v. State, 1979 SCMR 427.

Gov’t of West Pakistan v. Begum Agha Shorash Kashmiri, PLD 1969 SC 14, 17.

3.1 Reporters

Cases in Supreme Court and High Court reporters may be cited by abbreviated title of the reporter, year of the judgment, abbreviated name of the court, first page of the case, and page referenced:

PLD 1950 Lah. 253.

PLD 1993 Kar. 413.

Supreme Court official reporters (and abbreviated titles) are:

Pakistan Law Digest (PLD)
Pakistan Law Journal (PLJ)
Supreme Court Monthly Review (SCMR)

High Court official reporters (and abbreviated titles) are:

Pakistan Law Digests (PLD)
Pakistan Law Journal (PLJ)

3.1.1 Special Legislation Reporters

Other special courts and tribunals created by special legislation have their own reporters in which decisions are published.

Cite cases published in these reporters by name of the parties (separated by “v.”), and reporter in which the case is published by year, abbreviated title, and page number:

Khawaja Textile Mills Ltd. v. Deputy Commissioner Income Tax Mirpur circle, Mirpur and Others, 1998 PTD 245.

4.0 Books

Cite books by name of the author(s), title (in parentheses), place of publication, publisher, edition and year of publication (if available) (in parentheses), chapter, and page referenced:

Sieghart, *The Lawful Rights of Mankind*, Chap.18, p.162.

M. Mazheruddin Siddiqi, *Women in Islam* (New Delhi: Adam Publishers and Distributors, 1987), p.60.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s), title of the article (italicized), year of publication (in parentheses), and periodical in which the article is published by volume, title, first page of the article, and page referenced:

Hameed Zulfiqar, *Public Interest Litigation in Pakistan*, 1996 PLD 332.

A.W. Mackay, *The Charter of Rights and Special Education: Blessing or Curse?* (1987), 3 Canadian Journal for Exceptional Children, 118.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of author(s) [first name, family name] (if available), title of the article (italicized), title of the newspaper, date of publication, page referenced, and column:

The Pakistan Times, March 5, 1994, p. 2, col. 4.

Ardeshir Cowasjee, *A Tale of Two Cities*, The Dawn, November 12, 1998.

7.0 Official Publications

No information is available.

8.0 Unpublished Materials

Cite unpublished materials by name of the author(s) [family name, first initial], title, year (in parentheses), “(unpublished)”, university, and location of the university:

Sada, N., *Dissolution of Marriage in Islamic Law* (1997), LLM Thesis (unpublished), Ahmedu Bello University, Zaria, Nigeria.

9.0 Citation of Electronic Material

No information is available.

10.0 Unwritten Sources

Cite interviews by name of the person interviewed, title of the person interviewed (if any), location of interview, and date:

Interview with Nasim Hassan Shah, Chief Justice of Pakistan, June 12, 1998.

Cite speeches by “Address by”, name of the speaker, occasion, place, and date:

Address by Justice Afzal Zullah, Annual Dinner Lahore Bar Association, Lahore, November 8, 1999.

THE PHILIPPINES

Republika ng Pilipinas (Republic of the Philippines)

I. COUNTRY PROFILE (Civil and Common Law)

The Philippines is a republic comprised of seventy-nine provinces. The provinces contain 116 chartered cities, which are further subdivided into component districts called *barangays*. The Philippines became an independent nation on July 4, 1946. Its official languages are Filipino and English. The Philippine legal system incorporates both the civil and common law traditions.

The Philippine Constitution became effective on February 11, 1987. The Constitution establishes the form of government and protects certain individual rights.

Executive power is vested in the President, who is both head of state and head of the Government. The President is directly elected by the people to a non-renewable, six-year term. In addition to the President, the Government includes various Cabinet Ministers, who are appointed by the President with the consent of the Commission of Appointments.

Legislative power is vested in the bicameral Congress (*Kongreso*), consisting of the Senate (*Senado*) and the House of Representatives (*Kapulungan Ng Mga Kinatawan*). The twenty-four Members of the Senate are directly elected by the people to six-year terms. Half of the Members stand for election every three years. The House of Representatives is limited by the Constitution to 250 Members, although it may be smaller. The majority of Members of the House of Representatives—212 Members as of 2005—are elected by the people from single-member districts. A number of Members—24 as of 2005—represent sectoral parties and are elected at large.

Judicial power is vested in the courts, which consist of the Supreme Court and such other courts as may be created by law. The Supreme Court itself is composed of fourteen Associate Justices and a Chief Justice. All Justices are appointed by the President on the recommendation of the Judicial and Bar Council, and serve until the age of 70. The Supreme Court is vested with both appellate and original jurisdiction, depending on the type of case. The Court automatically reviews criminal cases where the accused is sentenced to death. The Court sits not only *en banc*, but also in divisions of seven, five, or three members. Certain cases, however, must be heard by the Court *en banc*.

Lower courts, over which the Supreme Court exercises administrative supervision, are structured as follows: Municipal and Metropolitan Trial Courts, which are trial courts of limited jurisdiction; Regional Trial Courts, which are trial courts of general jurisdiction and which exercise appellate jurisdiction over decisions of the Municipal and Metropolitan Trial Courts; and the Court of Appeals, which has appellate jurisdiction over decisions of the Regional Trial Courts. Both Municipal and Regional Trial Courts exercise jurisdiction over civil and criminal cases and are considered courts of law and equity. Special courts of limited jurisdiction include the Court of Tax Appeals, which decides tax assessments and protests and whose decisions may be appealed to the Court of Appeals, and the *Sandiganbayan*, a special criminal tribunal which hears cases filed against government officials. Finally, several administrative bodies exercise limited quasi-judicial powers. Their decisions also may be appealed to the Court of Appeals.

Internet Resources:

House of Representatives:
<http://www.congress.gov.ph>
Office of the President:
<http://www.erap.com>
Office of the Press Secretary:
<http://www.opsphil.com>

II. CITATION GUIDE

General citation practice in the Philippines is provided in the PHILIPPINE MANUAL OF LEGAL CITATION, cited in the Selected References below.

1.0 Constitution

Cite the Constitution by abbreviated title (“Const.”) (in small caps), article, section, and paragraph. When the Constitution being cited is no longer in force, place the year in parentheses:

CONST. (1973), art. III, sec. 1.

CONST. art. VII, sec. 12.

2.0 Legislation

2.1 Session Laws

Cite laws by type, number, year (in parentheses), and, for Executive Orders only, reporter in which the order is published (usually the Official Gazette, abbreviated “O.G.”) by volume, abbreviated title, first page of the law, date (in parentheses), and article or section referenced:

Rep. Act No. 6957 (1993), sec. 1.

Exec. Order No. 200 (1986), 15 O.G. 311 (May 1986), art. 2.

2.2 Types of Law

Types of law include:

Public Laws (1900-1934): “Act No.”
Commonwealth Acts (1935-1945): “Com. Act”
Presidential Decrees (9.21.1972-2.20.1986): “Pres. Decree”
Batas Pambansa (1978-1986): “Batas Pambansa Blg.”
Executive Orders (2.23.1986-7.26.1987): “Exec. Order”
Republic Acts (1946-1972; 7.27.1987 to present): “Rep. Act”

2.3 Codes

Cite codes by common title (in small capitals) and article referenced. Some statutes are commonly cited as codes (in small capitals) and need not include the type of session law that created the code:

CIVIL CODE, art. 1234.

REV. PENAL CODE, art. 48.

3.0 Jurisprudence

Cite cases by name of the parties (if a real person, family name is sufficient; separated by “v.”), and reporter in which the case is published by volume, abbreviated title, and first page of the case and page referenced, followed by year of decision (in parentheses):

Ariaga v. Javellana, 92 Phil. 330, 332 (1952).

3.1 Reports

The abbreviations of major reporters are:

Supreme Court:

Philippine Reports (Phil.)
General Register of advance decisions (G.R.)
Supreme Court Reports Annotated (SCRA)

Court of Appeals:

Appellate Court Reports (C.A. Rep.)
Court of Appeals Reports, Second Series (C.A. Rep 2d)
Court of Appeals General Register (C.A.-G.R.)

Both Courts:

Official Gazette (O.G.)

3.2.1 Supreme Court

Cite Supreme Court cases published in the Official Gazette by name of the parties, followed by “G.R. No.” and General Register number, date of decision, and the Official Gazette by volume, abbreviated title, first page of the case, and month and year of publication (in parentheses). Cases published neither in the Official Gazette nor another reporter may be cited by General Register number alone:

Espiritu v. Rivera, G.R. No. 17092, September 30, 1963, 62 O.G. 7226 (Oct. 1966).

Estepa v. Diansay, G.R. No. 14733, September 30, 1960.

3.2.2 Court of Appeals

Cite Court of Appeals cases published in the Official Gazette by name of the parties, docket number, date of decision, and the Official Gazette by volume, abbreviated title, first page of the case, and month and year of publication (in parentheses):

Manila Electric Co. v. Allarde, C.A.-SP No. 11850, May 15, 1987, 86 O.G. 3447 (May, 1990).

Caliboso v. Bueno, C.A.-G.R. No. 20401-R, April 8, 1960.

3.3 Other courts

3.3.1 Sandiganbayan

Cite *Sandiganbayan* cases by name of the parties, case type, case number, date of decision, and the reporter in which the case is published (“Sandiganbayan Rep.”) by volume, abbreviated title, first page of the case, and year of publication (in parentheses):

People v. Sabarre, Sandiganbayan Crim. Case No. 001, December 12, 1979, 1 Sandiganbayan Rep. 305 (1979).

3.3.2 Court of Tax Appeals

Cite Court of Tax Appeals cases by name of the parties, “CTA Case No.”, case number, and date of decision:

Abad v. Commissioner of Internal Revenue, CTA Case No. 717, June 4, 1963.

3.3.3 Regional Courts

Cite Regional Court cases by names of the parties, abbreviated name of the court, location and branch number (in parentheses), type of case, case number, and date of the decision:

People v. Johnson, RTC (San Jose, Occidental Mindoro, Br. 45) Crim. Case R-1681, August 6, 1984.

Shell Distribution Co., Inc. v. Balmaceda, MTC (Manila, Br. X) Civil Case No. 59563, July 20, 1982.

The abbreviations of regional courts are:

Regional Trial Courts (RTC)
Metropolitan Trial Courts
Municipal Trial Courts (MTC)

4.0 Books

Cite books by volume (if any), name of the author(s) [first initial, family name] (in small caps), title (in small caps), page, section or paragraph referenced, and edition and year of publication (in parentheses):

4 A.M. TOLENTINO, COMMENTARIES AND JURISPRUDENCE ON THE CIVIL CODE OF THE Philippines 250 (8th ed., 1997).

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author [first initial, family name], title of the article (italicized), and the periodical in which it is published by volume, abbreviated title (in small caps for consecutively paginated journals), date of issue (if no volume), first page of the article, and page referenced. Notes or comments must indicate the word “Note” or “Comment” (in parentheses following the title):

J. Luna, *International Law Standards and the Philippine Law on Deportation*, 1 PHIL. L.J. 347, 350 (1963).

M. Colayco and J. Sybuenasenso, *Disclosure of Preliminary Merger Negotiations* (Note), ATENEO L.J., June 1994, p. 50.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) (if available) [family name only], title of the article (if an authored piece, italicized), title of the newspaper, date of publication, page referenced, and column:

Philippine Daily Inquirer, October 26, 1999, p. 1, col. 2.

Arroyo, *2 Months Behind the Iron Curtain*, Manila Times, December 12, 1966, p. 1, col. 2.

7.0 Official Publications

No information is available.

8.0 Unpublished Materials

Cite letters by “Letter of”, the name of the author, “to”, name of the correspondent, and date:

Letter of Apolinario Mabini to Emilio Jacinto, December 17, 1898.

9.0 Citation of Electronic Material

There are no special rules.

10.0 Unwritten Sources

Cite interviews by “Interview with”, name of the person interviewed, title of the person interviewed (if any), place of interview, and date:

Interview with Andres R. Narvasa, Chief Justice of the Supreme Court, Manila, June 12, 1998.

Cite speeches by name of the speaker, occasion, place, and date:

Address by Justice Cezar Bengzon, 7th Anniversary Celebration of the Bulacan Bar Association, Manila, November 8, 1952.

III. SELECTED REFERENCES

JOAQUIN G. BERNAS, S.J., *THE CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY* (2nd ed., 1996).

IRENE R. CORTES, MERLIN M. MAGALLONA, & MYRNA S. FELICIANO, *PHILIPPINE MANUAL OF LEGAL CITATION* (4th ed., 1995).

LUIS B. REYES, *THE REVISED PENAL CODE* (14th ed., 1998) (2 volumes).

ARTURO M. TOLENTINO, *COMMENTARIES AND JURISPRUDENCE ON THE CIVIL CODE OF THE PHILIPPINES* (8th ed., 1997) (5 volumes).

POLAND

Rzeczpospolita Polska (Republic of Poland)

I. COUNTRY PROFILE (Civil Law)

Poland is a republic comprised of sixteen Provinces (*województwa*). The Provinces are further divided into Districts (*poviates*) and then into Communes (*gmina*). Poland became an independent nation on November 11, 1918. Poland's official language is Polish. Its legal system is based on the civil law tradition. Poland is a Member State of the European Union.

The Polish Constitution, which became effective on October 17, 1997, establishes the form of government. Executive power is vested in the President, who is the head of state, and the Council of Ministers, which is headed by the Prime Minister and responsible to the Lower House. The President is directly elected by the people to a five-year term. The Prime Minister is appointed by the President and confirmed by the Lower House. Other Members of the Council of Ministers are proposed by the Prime Minister, appointed by the President, and approved by the Lower House.

Legislative power is vested in a bicameral legislature, which consists of the Lower House (*Sejm Rzeczypospolitej Polskiej* or *Sejm*) and the Upper House (*Senat Rzeczypospolitej Polskiej* or *Senat*). The 460 Members of the Lower House are elected by a complex system of proportional representation to four-year terms. The 100 Members of the Upper House are directly elected by the people on a provincial basis, with the exception of two Members who represent ethnic minority parties. On rare occasions when the two houses meet jointly, the term National Assembly (*Zgromadzenie Narodowe*) is used.

Judicial power is vested in the courts, which include the Constitutional Tribunal (*Trybunał Konstytucyjny*), Supreme Court (*Sąd Najwyższy*), and other common and special courts. The Constitutional Tribunal adjudicates cases that deal with political and criminal infringements of the Constitution or other laws by high-ranking state officials. The Supreme Court is Poland's highest court of appeal. Judges of the Supreme Court are appointed by the President based on recommendations by the National Council of the Judiciary to indefinite terms. Judges of the Constitutional Tribunal are appointed by the Lower House to nine-year terms.

Common courts include Courts of Appeal, Provincial Courts, and District Courts. The District Courts are courts of first instance for a wide variety of cases, including criminal, civil, commercial, labor, family, land, and mortgage matters. Each District Court has jurisdiction over several counties. The Provincial Courts are established for one or several Regions (*voievodes*). These courts have jurisdiction over appeals against decisions of the District Courts and also serve as courts of first instance for specific cases as defined by law (usually more serious or complicated cases involving serious crimes, complex civil suits, etc.). The Provincial Courts also include specific departments which hear commercial cases (Commercial Courts). The Courts of Appeal hear appeals from decisions of the Provincial Courts. The Courts of Appeal are established for one or several *voievodes*. Finally, the Supreme Administrative Court has jurisdiction to review administrative acts.

Internet Resources:

Official Site:
<http://www.poland.pl>
Polish Parliament:

<http://www.sejm.gov.pl>
Biblioteka Kodeksó (Codes):
<http://www.kul.lubin.pl/~fajgiel/kodx.htm>

ABC (legislation since 1996, free):
<http://www.abc.com.pl/serwis/login.htm>
LexPolonica (leg. database):
<http://www.lexpolonica.pl>

Polskie Prawo (leg. database):
<http://www.pp.pl>

II. CITATION GUIDE

There is no uniform code of citation in Poland. The following represents common citation practices.

1.0 Constitution

Cite the Constitution formally by title and the Official Gazette (*Dziennik Ustaw*) in which it is published by abbreviated title (Dz. U.), year, number (NR #), and item (poz. #), followed by article and chapter (*Rozdział*) referenced:

Tekst Konstytucji Rzeczypospolitej Polskiej ogłoszono w Dz.U. 1997, NR 78 poz. 483, Art. 163, Rozdział VII.

Cite the Constitution informally by article and chapter (*Rozdział*) referenced, and abbreviated title:

Art. 163, Rozdział VII, Konstytucja Rzeczypospolitej Polskiej.

2.0 Legislation

2.1 Statutes, Laws, and Decrees

Cite statutes, laws, and decrees (collectively, legislation (*Prawo Budowlane*)) formally by title, and reporter in which it is published (preferably the Official Gazette, *Dziennik Ustaw*, abbreviated “Dz. U”, cited in this context “r. Dz. U”) by year, abbreviated title, number (Nr), and item (poz.) and article referenced (in parentheses):

[Name of law] (2001 r. DZ. U. Nr 129, poz. 1439).

Cite statutes, laws, and decrees informally by title of the reporter in which it is published, number (Nr.), and item (poz.) referenced. Alternatively, cite statutes, laws, and decrees by article referenced, reporter in which it is published by abbreviated title and number, and item (poz.) referenced:

Dziennik Ustaw nr. 129, poz 1439.

Art. 1, DZ. U. Nr 129, poz. 1439.

2.2 Codes

Cite codes (*Kodek*) by article referenced and abbreviated title of the code:

Art. 200 k.k.

Alternatively, include reporter in which the code is published (preferably the Official Gazette) by year, abbreviated title, number (Nr), and item (poz.) (in parentheses):

Art. 200 k.k. (1997 r. Dz. U. Nr 88, poz. 553).

The abbreviations of major codes are:

Civil Code: *Kodeks cywilny* (k.c.)

Code of Civil Proc.: *Kodeks postpowanie cywilne* (k.p.c.)

Criminal Code: *Kodeks karni* (k.k)

3.0 Jurisprudence

Cite reported cases by reporter in which the case is published by title (often abbreviated), and case number and year of publication [number/year]:

Biuletyn 09/2001.

ZP 19/01.

Alternatively, include additional information, such as date of decision and name of the court:

IPZP 19/01 of September 3, 2001 of the Supreme Court.

ROMANIA

I. COUNTRY PROFILE (Civil Law)

Romania is a republic comprised of forty-one counties (*judete*) and one municipality (*municipiu*). Romania declared its independence on May 9, 1877. Romania's official language is Romanian. Its legal system is based on the civil law tradition.

The Romanian Constitution, adopted in 1991 and most recently amended in 2003, established its form of government. Executive power is vested in the President, who is the head of state. The President is elected directly by the people to a four-year term, and may not serve more than two consecutive terms. The Prime Minister, who is the head of Government, is appointed by the President. Members of the Council of Ministers are appointed by the Prime Minister.

Legislative power is vested in the bicameral Parliament (*Parlamentul României*), which is comprised of the Senate (*Senatul*) and the Chamber of Deputies (*Camera Deputaților*). Both the 137 Members of the Senate and the 332 Members of the Chamber of Deputies are elected by the people on the basis of proportional representation to four-year terms.

The judicial power consists of the High Court of Cassation (*Înalta Curte de Casație și Justiție*, formerly known as the Supreme Court), Courts of Appeal, Tribunals, and Lower Courts or Courts of First Instance. The courts are further divided by their areas of specialty. The High Court of Cassation exercises supreme judicial power and is in charge of unifying jurisprudence. Judges of the High Court of Cassation are appointed by the Prime Minister based on recommendations by the Superior Council of Magistrates.

The Constitutional Court is the guarantor of the supremacy of the Constitution. It is comprised of nine judges appointed to a nonrenewable, nine-year term. The Constitutional Court is in charge with *a priori* and *a posteriori* constitutional review of legislation, treaties, bylaws adopted by the Parliament, and governmental ordinances. The Constitutional Court also supervises presidential elections, determines the procedures of referenda, and has jurisdiction over disputes between political parties.

Internet Resources:

Government:

<http://www.guv.ro>

Foreign Office:

<http://www.mae.ro>

Ministry of Justice:

<http://www.just.ro>

Presidency:

<http://www.presidency.ro>

Parliament:

<http://www.parlament.ro>

Constitutional Court:

<http://www.ccr.ro>

High Court of Cassation:

<http://www.scj.ro>

The Official Gazette:

<http://www.monitoruloficial.ro>

II. CITATION GUIDE

There is no uniform code of citation in Romania. There are, however, some accepted practices, but they are not followed by all authors.

1.0 Constitution

Cite the Constitution (*Constituția României*) by article referenced and abbreviated title (“Const. Ro.”):

Art. 23, Const. Ro.

2.0 Legislation

2.1 Statutes, Laws, and Decrees

Cite statutes, laws, and decrees by type, number [number/year], title, and reporter in which it is published (“Monitorul Oficial”) by “published in the Official Gazette no.”, volume, page referenced, and date [day.month.year]:

Ordinance 137/2000 on the Prevention and Punishment of All Forms of Discrimination published in the Official Gazette no. 431/02.09.2000.

2.2 Codes

Cite codes by the article referenced and abbreviated title of code:

Art. 998, C. Civ.

The abbreviations of major Codes are:

Civil Code: *Codul Civil* (C. Civ.)

Commercial Code: *Codul Comercial* (C. Com.)

Penal Code: *Codul Penal* (C. Pen.)

Code of Civil Procedure: *Codul de Procedura Civilă* (C. Proc. Civ.)

Code of Criminal Procedure: *Codul de Procedură Penală* (C. Proc. Pen.)

3.0 Jurisprudence

Cite cases by type of decision, name of the the parties [separated by “c/”] (in quotation marks and parentheses), case number and year [number/year], name of the court, section (civil, criminal, administrative, etc.), followed by “DOSAR Nr.”, file number and year [number / year], “Ședința publică de la”, date, and page referenced:

Decizia (“Ionescu c/ Năstase”) 1/2003, CSJ Sect. civilă, DOSAR Nr. 3859 / 2001, Ședința publică de la 13 ianuarie 2003, pp.12.

3.1 Reports

The official reporter for decisions of the Constitutional Court is the Official Gazette (*Monitorul Oficial al României*). Collections of decisions are published annually. Cite cases published in the Official Gazette by name of court, decision number, date of decision, the reporter by title, number, and date:

Constitutional Court, Decision No. 107 of 1 November, 1995, published in Monitorul al României, No. 85 of 26 April, 1996.

For decisions of the various courts, authors and practitioners primarily use unofficial reports, published privately:

Evidența legislației României, 1990 - 1992, Constituția României. Legile. Regulamentele Parlamentului. Ordonanțele. Tratatetele internaționale, Casa de Editură și Presă "Șansa" - S.R.L., București, 1994, 199 p.

Contencios electoral. Jurisprudență judiciară comentată. Alegeri prezidențiale 1990, Editura Universității din București, 1996, 179 p.

4.0 Books

Cite books by name of the author(s) [first name, middle initial, last name], title (italicized), publisher, place of publication, year, volume number (if any), number of pages (optional), and page referenced:

Cristian Ionescu, *Dezvoltarea Constituțională a României. Acte și documente 1741-1991*, Editura Monitorul Oficial, București, 2000, 346 p.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [first name, last name], title of article (italicized), "in", title of the periodical (often abbreviated) (in quotation marks), location of publication (optional), volume or section (if appropriate), date, and page referenced:

Corneliu Liviu Popescu, *Libertatea inființării cultelor religioase*, in "Pandectele romane," nr. 2/2002, pp.266-289.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) [first name, last name], title of the article (italicized), "in", title of the publication, location of publication, date, and page referenced:

Cornel Nistorescu, *Coana Joițica se apără*, in Evenimentul Zilei, București, 5 martie 2004, pg.1.

7.0 Official Publications

Cite official publications by governmental department, title (italicized), reference number (if appropriate), date or year, and page referenced:

Ministerul Informației Publice, *Strategia de imagine externă a României*, 2002, pp.43.

8.0 Unpublished Materials

Cite theses by name of the author [first name, last name.], title (in quotation marks), university, department (if appropriate), year, page number, and “Nepublicat” (unpublished):

Andreea Roșianu. “Drepturile, libertățile și îndatoririle constituționale,” Universitatea București, Facultatea de Drept, 2000, 36. Nepublicat.

Cite other unpublished materials by name of the author(s), title, volume (if any), reference number (if any), and location of the materials.

9.0 Citation of Electronic Material

There are no special rules.

10.0 Unwritten sources

Cite interviews, talks broadcast by radio or television, speeches or lectures by name of the speaker [first name, last name], title (in quotation marks), location, nature of the source, and date:

Raul Ionescu. “România în procesul de integrare europeană,” comunicare studentescă, Universitatea București, Facultatea de Drept, martie 1995.

III. SELECTED REFERENCES

MIHAI CONSTANTINESCU, ION DELEANU, ANTONIE IORGOVAN, IOAN MURARU, FLORIN VASILESCU, IOAN VIDA, CONSTITUȚIA ROMÂNIEI- COMENTATĂ ȘI ADNOTATĂ, (Regia Autonomă Monitorul Oficial, București, 1992).

H.B. JACOBINI, ROMANIAN PUBLIC LAW, EAST EUROPEAN MONOGRAPHS, (0 edition, October 15, 1987).

IOAN CONDOR, DREPT FINANCIAR ROMÂN. PARTEA I, (Regia Autonomă Monitorul Oficial, București, 2002).

MIHAIL ELIESCU, CURS DE SUCCESIUNI, (Editura Humanitas, Pro Jure, București, 1997).

RUSSIA

Rossiiskaya Federatsiya (Russian Federation)

I. COUNTRY PROFILE (Civil Law)

Russia is a federation comprised of twenty-one Republics (*respublika*), six Territories (*krai*), 49 Regions (*oblast'*), two federal cities, one Autonomous Region (*avtonomnaya oblast'*), and ten Autonomous Circuits (*avtonomnii okrug*)—a total of eighty-nine identifiable units which are commonly referred to as Subjects of the Russian Federation (*sub'ekti Rossiiskoi Federatsii*). The official language is Russian. Russia's legal system is based on civil law.

The Russian Constitution, which was adopted December 12, 1993, establishes the form of government. Executive power is vested in the President and the Government. The President, who is the head of state, is directly elected by the people to a four-year term. The President coordinates the function and interaction of the state agencies, acts as the Chief of the Army and appoints the Chairman of the Government. The president may enact decrees without the consent of the legislature. The Premier, who is the head of Government, is appointed by the President and must be confirmed by the lower house of the legislature. Other Ministers are appointed by the President. Collectively, the Premier and other Ministers form the Ministries of Government (or, simply, the Government).

Legislative power is vested in the bicameral Federal Assembly (*Federal'noe Sobranie*), but, as noted, may also be exercised by the President. The Federal Assembly is composed of the Federation Council (*Soviet Federatsii*) and the State Duma (*Gosudarstvennaya Duma*). Two Members of the 178 member Federation Council are appointed by the top executive and legislative officials of each Subject of the Russian Federation to four-year terms. Half of the 450 Members of the State Duma are directly elected by the people on the basis of proportional representation, and the other half are directly elected by the people from single-member districts. All Members of the State Duma serve four-year terms.

Judicial power is vested in the Courts, which include the Constitutional Court (*Konstitutsionnii Sud Rossiiskoi Federatsii*), the Supreme Court (*Verhovnii Sud Rossiiskoi Federatsii*), and the Superior Court of Arbitration. Judges of all courts are appointed for life by the Federation Council on the basis of the President's recommendations. The Constitutional Court reviews, *inter alia*, the constitutionality of acts of legislative and executive branches and disputes regarding competence. Below the Constitutional Court the judicial system is bifurcated into courts of general jurisdiction, which deal with civil, criminal, and military matters and arbitration courts which deal with economic matters.

The Supreme Court is the highest court of general jurisdiction. It hears cases involving civil, administrative, criminal, and military law. The Supreme Court has appellate jurisdiction over the decisions of the intermediate appellate courts. The intermediate appellate courts for civil and criminal matters are known as the Supreme Courts of each Subject of the Russian Federation. These courts have appellate jurisdiction over the decisions of the District Courts, which are the courts of first instance. The Supreme Court and Supreme Courts of each Subject of the Russian Federation also act as courts of first instance for certain cases. There is also a system of Justices of the Peace (*mirovie sud'i*) which hears civil, administrative, and criminal cases of lesser importance.

All economic disputes are litigated in arbitration courts. The system of arbitration courts is also three-tiered. The highest court is the Supreme Arbitration Court (*Visshii Arbitrazhnyi Sud*

Rossiiskoi Federatsii). Ten Federal District (or Circuit) Arbitration Courts have appellate jurisdiction over decisions of the eighty-two Arbitration Courts, which hear disputes in the first instance. Presently, the system of arbitration courts is in the process of transformation into a four-tier system with two levels of intermediate appellate courts.

Internet Resources:

President
<http://www.president.kremlin.ru>
Government
<http://www.government.ru>
Federal authorities
<http://www.gov.ru>
Ministry of Foreign Affairs
<http://www.mid.ru>
Constitutional Court
<http://www.ks.rfnet.ru>
Supreme Court
<http://www.supcourt.ru>

II. CITATION GUIDE

There is no uniform code of citation in Russia. Citation styles vary greatly by reporter and publisher. The following represents a common citation form for transliterated citations.

1.0 Constitution

Cite the Constitution by article referenced (“st.”), and title of the Constitution (“Konstitutsiya Rossiiskoi Federatsii ot 12 dekabrya 1993” or “Konstitutsii RF”). Cite formally by including title and date of the Russian Gazette (*Rossiiskaya Gazeta*), in which the Constitution was first published:

St. 3 Konstitutsii Rossiiskoi Federatsii ot 12 dekabrya 1993 goda // Rossiiskaya Gazeta, 25 dekabrya 1993.

Subsequently, cite by article referenced and abbreviated title:

St. 3 Konstitutsii RF.

2.0 Legislation

2.1 Statutes, Laws, and Decrees

2.1.1 Laws

Cite laws by article referenced (“St.”), type, date, number, title (in quotation marks), and the reporter in which the law is published by title, date, volume and page referenced:

St. 4 Federalnii zakon ot 24 oktyabrya 1997 g. N 134-FZ "O prozhitochnom minimume" // Sobranie zakonodatel'stva Rossiiskoi Federatsii. 1997. N 43. st. 4904.

2.2 Codes

Cite codes (*kodeks*) by section [p. #], article [st. #], subsection referenced, and title of the code (which may be abbreviated):

p. 2 st. 164 GK RF.

ch. 4 st. 228 UK RF.

The abbreviations of the most significant of the 20 codes are:

Civil Code: *Grazhdanskii kodeks RF* (GK RF)

Code of Civil Procedure: *Grazhdanskii protsessual'nii kodeks RF* (GPK RF)

Criminal Code: *Ugolovnii kodeks RF* (UK RF)

Code of Criminal Procedure: *Ugolovno-processual'nii kodeks RF* (UPK RF)

Labor Code: *Trudovoi kodeks RF* (TK RF)

Code of Administrative Violations: *Kodeks ob administrativnikh pravonarusheniyah RF* (KoAP RF)

Family Code: *Semeinii kodeks RF* (SK RF)

2.2.1 Alternative Citation for Codes

Alternatively, cite codes in the same manner as regular federal laws:

Trudovoi kodeks Rossiiskoi Federatsii ot 30 dekabrya 2001 g. N 197-FZ // Sobranie zakonodatel'stva Rossiiskoi Federatsii. 2002. N 1 (ch. 1). st. 3.

2.3.1 Government acts

Cite government acts by type, issuing body, date, number, title (if any), and the reporter in which the act is published by title, date, volume and page referenced:

Razporyazhenie Pravitelstva Rossiiskoi Federatsii ot 6 fevralya 2004 g. N 145-r // Sobranie zakonodatel'stva Rossiiskoi Federatsii. 2004. № 6. st. 445.

There are two main types of government acts: Decrees (*postanovleniya*) and Regulations (*rasporyazheniya*). The citation rule for government acts is also applicable for acts of ministries and departments of the executive branch.

2.3.2 Presidential acts

Cite presidential acts by type, issuing body, date, number, title (if any), and reporter in which the act is published by title, date, volume and page referenced:

Ukaz Prezidenta Rossiiskoi Federatsii ot 31 yanvarya 2004 g. N 118 "Voprosi Federal'noi sluzhbi okhrani Rossiiskoi Federatsii" // Sobranie zakonodatel'stva Rossiiskoi Federatsii. 2004. N 6. st. 409.

There are two main types of presidential acts: Edicts (*ukaz*) and Regulations (*rasporyazhenie*).

2.3.3 Amendments to and revisions of legislative and executive acts

Legislative and executive acts are revised, amended, and changed quite often. These changes need to be reflected in citation. It can be done in two ways:

1. Cite by the above format, and included a phrase such as “v red. ot 27 maya 2000 g.” (in redaction of May 27, 2000):

Federalnii zakon ot 24 oktyabrya 1997 g. N 134-FZ “O prozhitochnom minimume” (v red. ot 27 maya 2000 g.) // V dannom vide document opublikovan ne bil. Pervonachal'nii tekst dokumenta opublikovan v Sobranii zakonodatel'stva Rossiiskoi Federatsii. 1997. N 43. st. 4904.

The phrase “V dannom vide document opublikovan ne bil. Pervonachal'nii tekst dokumenta opublikovan v...” may be translated as “this document has not been officially published in this latest version. The initial text of the document was published in...”

2. Cite by the above format, and include a phrase such as “s ism. i dop., vnesennimi Federal'nim zakonom ot 27 maya 2000 g. N 75-FZ” (with changes and amendments brought by Federal law N 75-FZ of May 27, 2000):

Federalnii zakon ot 24 oktyabrya 1997 g. N 134-FZ “O prozhitochnom minimume” (s ism. i dop., vnesennimi Federal'nim zakonom ot 27 maya 2000 g. N 75-FZ) // V dannom vide document opublikovan ne bil. Pervonachal'nii tekst dokumenta opublikovan v Sobranii zakonodatel'stva Rossiiskoi Federatsii. 1997. N 43. st. 4904.

2.3 Reports

Major current official reporters (and common abbreviations) include:

Rossiiskaya gazeta
Sobranie zakonodatel'stva Rossiiskoi Federatsii (SZ RF)
Bulleten' normativnikh aktov federal'nikh organov ispolnitel'noi vlasti

Other reporters include:

Official reporter of the federal legislative body (*Federal'noe Sobranie*): *Parlamentskaya Gazeta*
Reporter for Federal Laws ratifying or denouncing international treaties: *Bulleten' Mezhdunarodnih Dogovorov*

There are commercial databases that provide access to electronic copies of legislative and executive acts, as well as judicial decisions of both federal and regional level: Consultant Plus (<http://www.consultant.ru>), Kodeks (<http://www.kodeks.ru>), Garant (<http://www.garant.ru>).

3.0 Jurisprudence

3.1 Citing judicial decisions

Cite cases by type of decision, name of the court, date of decision, and reporter in which the case is published by title, date, volume and page referenced:

Opređenje Konstitucionnogo Suda RF ot 5 noyabrya 1998 g. N 134-O "Po delu o tolkovanii stat'i 81 (chast' 3) i punkta 3 razdela vtorigo "Zaklyuchitel'nie i perehodnie polozheniya" Konstitutsii Rossiiskoi Federatsii" // Sobranie zakonodatel'stva Rossiiskoi Federatsii. 1998. N 46. st. 5701.

There are three main types of judicial decisions:

Ruling: *opredelenie*
Decision: *reshenie*
Opinion: *zaklyuchenie*

3.2 Reports

There are various reporters used throughout Russia. The principal reporters include:

Bulletin of Constitutional Court of the Russian Federation: *Vestnik Konstitucionnogo Suda Rossiiskoi Federatsii*
Bulletin of the Supreme Arbitration Court of the Russian Federation: *Vestnik Visshego Arbitrazhnogo Suda Rossiiskoi Federatsii*
Bulletin of the Supreme Court of the Russian Federation: *Bulleten' Verhovnogo Suda Rossiiskoi Federatsii*

4.0 Books and Commentaries

Cite books and commentaries by name of the author(s) [last name, first and middle initials] (italicized), title, publisher or location of publication, date, and page referenced. Moscow and Saint Petersburg are typically abbreviated as *M.* and *SPb*, respectively:

Kabatova E. V. Lizing: pravovoe regulirovanie, praktika. M., 1998. S. 54.

If a book or commentary has an editor, include a slash after the title, "*Pod. red.*" (under editorship), and name of the editor(s):

Kommetarii k Grazhdanskomu kodeksu Rossiiskoi Federatsii, chasti vtoroj (postateinii) / Pod. red. O. N. Sadikova. M., 1996. S. 176.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [last name, first and middle initials] (italicized), title of the article, title of the periodical, year, volume, and page referenced:

Kabalkin A. Y. Dogovor vozmezdnoy okazaniya uslug // Sovetskaia yustitsia. 1998. N 3. S. 16.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) [last name, first initial, middle initial (optional)], title of the article, title of the publication, and date [year. day month]:

Shahnazarov G. Kak bit' s Gosudarstvennim Sovetom? // Rossiiskaya gazeta. 2000. 3 avg.

III. SELECTED REFERENCES

W. BUTLER, *RUSSIAN LAW* (2d ed. 2003).

G. DANILENKO & W. BURNHAM, *LAW AND LEGAL SYSTEM OF THE RUSSIAN FEDERATION* (1999).

SAUDI ARABIA

Al-Mamlaka al-'Arabiya al-Saudiya (Kingdom of Saudi Arabia)

I. COUNTRY PROFILE (Islamic Law)

Saudi Arabia is a monarchy comprised of thirteen Provinces (*mintaqat*). Saudi Arabia's official language is Arabic. The Saudi Constitution is the Holy Qur'an. The nation is ruled according to Islamic law (*Shari'a*). The Basic Law, which was introduced in 1993, establishes the form of government.

Executive power is vested in the King, who is chosen from and by members of the Al-Saud family. The King is the head of state and head of Government, and also serves as the Prime Minister. The King rules by Royal Decrees, which are issued in conjunction with the Council of Ministers. The Crown Prince, who is chosen in the same manner as the King, is the Deputy Prime Minister and exercises executive power if the King becomes incapacitated.

Members of the Council of Ministers are appointed by the King. The Council of Ministers formulates and supervises the implementation of governmental policy. The Council of Ministers also oversees the resolutions passed by the Consultative Council.

Legislative power is vested primarily in the King. There is, however, a Consultative Council (*Majlis Al-Shura*), which advises the King and the Council of Ministers on matters related to government programs and policies. The 120 Members of the Council of Ministers and the Consultative Council are appointed by the King to four-year terms, and may be dismissed or dissolved by the King at any time. In October 2003, the Council of Ministers announced its intention to introduce elections for one-third of the Members of the Consultative Council. National elections are scheduled for 2005. The Consultative Council may initiate and review legislation, and any government action not approved by the Council is referred back to the King.

Judicial power is vested in the courts, which include the Supreme Council of Justice, Expeditious Courts, *Shari'a* Courts, and the Commission on Judicial Supervision. In addition to Islamic law, the courts consider the teachings and deeds of the Prophet Muhammad (*Sunnah*), the consensus of religious scholars (*Ulema*), and legal analogy.

The Supreme Council of Justice is the highest judicial authority. *Shari'a* courts have jurisdiction to hear all civil and criminal cases. Commercial and business disputes are handled by a number of specialized, administrative bodies. They include the Board of Grievances, which has powers similar to a supreme administrative tribunal, and a number of commissions and committees, which hear cases involving particular subject matter such as labor or commercial disputes. In addition, the Commission for the Settlement of Commercial Disputes hears cases involving disputes between companies. Decisions of the Commission may be appealed to a special appeals tribunal.

Each province is headed by an Emir (governor) who is appointed by the King. The Emir is assisted by a provincial council, which is composed of the heads of the province's governmental departments and a ten-member council of prominent individuals in the community who are appointed to four-year, renewable terms. The Emir answers to the Ministry of the Interior.

Internet Resource:

Ministry of Information:
<http://www.saudinf.com/main/start.htm>

II. CITATION GUIDE

There is no uniform code of citation in Saudi Arabia. The following represents English equivalents of common Arabic citation forms.

1.0 Constitution

Cite the Basic Law by title, year (in parentheses), and article referenced:

Basic Law of Government (1992), Art 1.

2.0 Legislation (Royal Decrees)

There are no codes promulgated by an assembly of general legislative jurisdiction. Legislation is generally in the form of royal decrees, with direction from (i) Organic Instructions of the kingdom of Hejaz of 1926; (ii) Statute of the Council of Deputies of 1932; (iii) Constitution of the Council of Ministers of 1958.

Cite legislation by title, number, date (typically use the Hijira calendar, although the Gregorian calendar may be used), Gregorian calendar year (in parentheses, and only if the date is given according to the Hijira calendar), and subdivision referenced:

Royal Decree no.11, July 15, 1962, Niza al-Waqalat-al-Tijariyah [Commercial Representation Decree], art.1.

Royal Decree No. 7/13/8751, 17/9/1374H (1955).

Talimat Tameez Alahkam Alsharia [Directions for the Exercise of Appellate Review over Decisions of Shari'a Courts], §13.

Council of Ministers Decision No.24836, 29/10/1386H (Feb. 9, 1967) (Riyadh File No. 122 "Sharia Jurisprudence," Institute of Public Administration).

Umm al-Qura Minister of Commerce Resolution No. 322/M, 25/4/1392H (1972).

3.0 Official Publications

If legislation is published in the Official Gazette, include the title of the gazette ("SA OG"), date of publication, volume, and page referenced:

Royal Decree no.52, Mar. 30, 1964, art.1, *in* Official Gazette of Saudi Arabia, Apr. 3, 1964, vol. 41st yr., no.2015, p.1. SA OG, June 3, 1977, no.2678, p.16.

The Official Gazette of Saudi Arabia [SA OG] is: Ummal al-Qura (*or* Umm al-Qura) (Dec. 12, 1924-) (formerly, al-Qiblah No.1-823 (Mecca, Aug. 10, 1916 - Sep. 25, 1924) [gazette of the Kingdom of Hejaz]).

III. SELECTED REFERENCES

W.M. BALLANTYNE, *THE REGISTER OF LAWS OF THE ARABIAN GULF: A REGISTER OF THE LAWS OF THE STATES MEMBERS OF THE GULF COOPERATION COUNCIL* (4th ed. Graham and Trotman 1989).

M. KHALID MASUD, BRINKLEY MESSICK, & DAVID S. POWERS, EDS., *ISLAMIC LEGAL INTERPRETATION: MUFTIS AND THEIR FATWAS* (1996).

A. AL-MUNIFI, *ISLAMIC CONSTITUTIONAL THEORY* (1973) (unpublished S.J.D. thesis, University of Virginia Law School).

FRANK E. VOGEL, *ISLAMIC LAW AND LEGAL SYSTEM: STUDIES OF SAUDI ARABIA* (Brill 2000).

SOUTH AFRICA

Republic of South Africa

I. COUNTRY PROFILE (Common Law)

South Africa is a republic comprised of nine provinces. South Africa's official languages are Sepedi, Sesotho, Setswana, Siswati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa, and isiZulu. Its legal system is based primarily on the common law traditions, although it also features elements of civil law.

The Constitution of the Republic of South Africa, which took effect on February 3, 1997, established the form of government. Executive power is vested in the President, who is both the head of state and head of government. The President is elected by members of the National Assembly to a five-year term, and may not serve more than two terms.

Legislative power is vested in the bicameral Parliament, which consists of the National Assembly and the National Council of Provinces. The 400 Members of the National Assembly are elected by the people on the basis of proportional representation to five-year terms. The ninety Members of the National Council of Provinces are elected by the nine provincial legislatures to five-year terms. Each province elects ten Members. Most legislation is introduced in the National Assembly (appropriations legislation must originate there), though legislation affecting the provinces may be introduced in the National Council of Provinces. Legislation passed by both houses of Parliament must be signed by the President or referred back to the National Assembly for review of their constitutionality.

Judicial power is vested in the courts, which include the Constitutional Court, the Supreme Court of Appeal, the High Courts, the Magistrates' Courts and other courts established and recognized by law. The Constitutional Court is composed of a President, a Deputy President, and nine additional Judges. It hears cases involving constitutional questions, and is the only body that may decide disputes between national and provincial governments concerning their respective powers, functions, and status, rule upon the constitutionality of national or provincial legislation and amendments to the Constitution, and determine whether Parliament or the President has failed to fulfill a constitutional obligation.

The Supreme Court of Appeal consists of a Chief Justice, a Deputy Chief Justice, and additional Judges. It is the highest court of appeal and has appellate jurisdiction over all cases except those involving constitutional questions. The High Courts hear cases involving constitutional questions that are not under the exclusive jurisdiction of the Constitutional Court, as well as all other cases. Decisions of the Supreme Court of Appeal or a High Court that an Act of Parliament, a provincial Act, or conduct of the President is unconstitutional have no force unless confirmed by the Constitutional Court.

The President and the Deputy President of the Constitutional Court, and the Chief Justice and Deputy Chief Justice of the Supreme Court of Appeal are appointed by the President in consultation with the Judicial Service Commission. Leaders of the parties represented in the National Assembly are also consulted regarding appointment of the President and Deputy President of the Constitutional Court. Other Judges of the Constitutional Court are appointed by the President based on a list submitted by the Judicial Service Commission and in consultation with the President of the Constitutional Court and leaders of parties represented in the National Assembly. Remaining Judges are appointed by the President on the advice of the Judicial Service Commission.

The Constitution grants the provincial governments concurrent or exclusive authority over many areas of public concern. In addition to the provincial governments, local government consists of a Municipal Council for each municipality. The Municipal Councils are elected on the basis of proportional representation to terms of no more than four years.

Internet Resources:

South African Government
<http://www.gov.za>
Constitutional Assembly
<http://www.constitution.org.za>
Constitutional Court
<http://www.concourt.gov.za/>

Supreme Court of Appeal
<http://www.law.wits.ac.za/sca/index.php>
Labour Courts
<http://www.law.wits.ac.za/labourcrt/>
South African Law Commission
<http://www.law.wits.ac.za/salc/salc.html>

II. CITATION GUIDE

There is no uniform code of citation in South Africa. The following reflects accepted practices and suggestions.

1.0 Constitution

Cite the Constitution (Constitution of the Republic of South Africa, Act 108 of 1996) by subdivision referenced and abbreviated title:

Section 1(a) of the Constitution.

This constitution replaced the Constitution of the Republic of South Africa, Act 200 of 1993, known as the “Interim Constitution.”

2.0 Legislation

2.1 Parliamentary Acts

Cite Parliamentary Acts by title (optional), number, and year:

Local Government Transition Act, 209 of 1993.

Note: Parliamentary Acts are published in the Government Gazette (see Section 7.0 below).

2.2 Provincial Acts

Cite Provincial Acts by title (optional), number, year, and the abbreviated name of the province (in parentheses):

North West Local Government Laws Amendment Act, 7 of 1998 (NW).

Province abbreviations include: Gauteng (G), KwaZulu-Natal (KZN), Western Cape (WC), etc.

3.0 Jurisprudence

Cite cases by name of parties (italicized), and reporter in which the case is published by year, volume (in parentheses), abbreviated title, page number, and abbreviated name of the court (in parentheses):

Brink v Kitshoff No 1996 (4) SA 197 (CC).

Note: There are no official reports of judicial decisions. However, the most commonly cited reporter is the South African Law Reports (SA).

3.1 Courts

South African Courts (and their abbreviations) since 1994 include:

Constitutional Court (CC)
Appellate Division (A)
Provincial Supreme Courts

4.0 Books

Cite books by name of the author(s) [family name only], title (italicized), followed by volume, edition, publisher, place of publication and year (in parentheses), and page referenced:

Dugard, *Human Rights and the South African Legal Order* (Princeton University Press, Princeton 1978) 136.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [family name only], title of the article (in quotation marks), and periodical in which the article is published by year (in parentheses), volume, title (italicized), first page of the article and page referenced:

Botha "The Basis of Extradition: the South African Perspective" (1991/92) 17 *South African Yearbook of International Law* 117 at 134.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) [family name only], title of article (in quotation marks), "in", title of the publication (italicized), date, and page referenced:

Giliomee "Asmal Offers 'No Fresh Ground, No Ground-breaking Synthesis' of the Truth" in *The Cape Times* October 23, 1996 at 2.

7.0 Official Publications

Cite official publications by title (italicized), volume, type of document, number, and date. For example, cite a Governmental Notice (abbreviated “GN”) as follows:

Government Gazette 17809, GN 329, 28 February 1997.

8.0 Unpublished Materials

Cite by name of the author(s), title, volume (if any), location of materials, year, and any other information helpful in identifying the materials.

9.0 Citation of Electronic Material

No information is available.

10.0 Unwritten Sources

Cite unwritten material by name of the person speaking, title, nature of the source, location of the speech, and date.

III. SELECTED REFERENCES

CHASKALSON ET AL, CONSTITUTIONAL LAW OF SOUTH AFRICA (Juta, Kenwyn 1996).

THE LAW OF SOUTH AFRICA (Joubert ed., Butterworths, Durban 1976).

WAAL, JOHAN DE, THE BILL OF RIGHTS HANDBOOK (Juta, Kenwyn 2000).

SOUTH KOREA

Taehan-min'guk (Republic of Korea)

I. COUNTRY PROFILE (Civil Law and Common Law)

South Korea is a republic comprised of nine Provinces (*do*) and seven Metropolitan Cities (*gwangyoksi*). South Korea's official language is Korean. Its legal system combines elements of the civil and common law traditions, as well as Chinese classical thought.

The South Korean Constitution, adopted July 17, 1948, establishes the form of government. Executive power is vested in the President, who is the head of state. Prosecutorial authority belongs to the Executive. The President is directly elected by the people to a single five-year term. The Government consists of the Prime Minister, who is the head, and State Council. The Prime Minister is appointed by the President with consent of National Assembly. Members of the State Council are appointed by the President based on the Prime Minister's recommendations.

Legislative power is vested in the unicameral National Assembly (*Kukhoe*). 243 of 299 Members of the National Assembly are directly elected by the people from single-member districts. The remaining fifty-six Members are elected by the people on the basis of proportional representation. All Members serve four-year terms.

Judicial power is vested in the courts, which include the Constitutional Court, the Supreme Court, the High Courts, and the District Courts. The Constitutional Court reviews the constitutionality of statutes and administrative acts and omissions upon referral from another court or in a petition directly to the Constitutional Court. A two-thirds majority is needed to declare legislation unconstitutional. Justices of the Constitutional Court are appointed by the President based partly on nominations by the National Assembly and the Chief Justice of the Court.

The Supreme Court is the highest court of appeal. Justices of the Supreme Court are appointed by the President with the consent of the National Assembly. District Courts include Family Courts and Administrative Courts. Other specialized courts include the Patent Court, the High Military Court, and the Ordinary Military Court. All cases can be appealed to the Supreme Court although there are some legal restrictions.

Regional authorities have legislative, administrative, and taxing power over local matters.

Internet Resources:

The Supreme Court

<http://www.scourt.go.kr/english>

Ministry of Foreign Affairs and Trade

<http://www.mofat.go.kr/>

Ministry of Justice

<http://www.moj.go.kr/>

Ministry of Legislation

<http://www.moleg.go.kr/>

Seoul National University Legal database

http://law.snu.ac.kr/eng/index_eng.htm

Korean NetLaw

<http://www.netlaw.co.kr>

II. CITATION GUIDE

There is no uniform code of citation in South Korea. Citation practices vary considerably between authors. The Korean Judiciary strictly follows its own citation form, while forms adopted by academics tend to be simpler. The following represents some common citation practices.

0.1 Transliteration Issues

The McCune-Reischauer system has been the basic framework of official transliteration in South Korea and is generally used to transliterate Korean into the Roman alphabet, though not strictly. In such cases, follow the spelling as it appears in their publications.

1.0 Constitution

The Constitution (Constitution of Sixth Republic, completely revised on Oct. 29, 1987) is written “Daehanminguk Hyonbop” (Constitution of the Republic of Korea) and may be abbreviated variously as “Hyonbop”, “Const.”, “S. Korean Const.”, “R.O.Korea Const.”, etc.

Cite the Constitution by abbreviated title, article referenced, and “S. Korea” or “R.O. Korea” (if necessary):

Hyonbop [Constitution] Art. 111 (R.O.Korea).

S. Korean Const. art. 47 (2).

Constitution Art. 47 para. 2 (S. Korea).

2.0 Legislation (*Beomnyul*)

Cite legislation by title, English translation (optional) (in square brackets), the article referenced, number (if any) (in parentheses), and “(R.O.Korea)” (optional):

Minbop [Civil Code], Art. 839-2 (R.O.Korea).

Court Organization Act (Law No. 3992, 1988) (R.O.Korea).

Minsa sosongbop, Art. 230 proviso item 3 (R.O.Korea).

Min-Sa-Cho-Jeong-Kyu-Chik (Civil Mediation Rule), Daebopwon gyuchik (Supreme Court Rule) No. 1120 (Aug. 21, 1990), art. 3, amended by Supreme Court Rule No. 1275 (Dec. 28, 1993).

The abbreviations of the major Codes are:

Civil Code (Minbop)
Code of Civil Procedure (Minsa Sosongbop)
Commercial Code (Sangbop)
Criminal Code (Hyongbop)

3.0 Jurisprudence

Cite cases by name of the court, date of decision, type of decision (often abbreviated and added to the name of the court), and docket number. If the case is published in an official reporter, a citation to the reporter may be added:

Supreme Court of Korea, July 22, 1975, 74 mu 22, Divorce Case, 23 Daebeopwon pangyeoljip [Supreme Court Case Reporter] 57 (1975, No. 2); Beobwon Gongbo [The Official Gazette of the Court] 1587 (1975).

Seoul High Court, Decision of Feb. 14, 1973, Case No. 71 na 2764 [High Court Case Reporter, 1973 Civ. vol. 1, 91] (R.O. Korea).

Supreme Court, Judgment of Feb. 9, 1988 (R.O.Korea).

Seoul Family Court, Judgment of Oct. 20, 1971, Divorce case (71 du 517).

4.0 Books

Cite books by name of the author(s) [family name, first name], title, English translation (optional) (in square brackets), volume, edition, and location of publication (optional), publisher (optional), English translation (optional) (in square brackets) and year (in parentheses):

Kim, Hong Gyu, Minsa sosongbop (sang) [Law of Civil Procedure, Vol. 1], samjeongchopan [3d ed. 1st print] (Seoul, Samyoungsa, 1983).

Juseok minbop chongchik (sang) §§ 1-102 [Commentaries to the Civil Code, General Provisions, Vol. 1 (Arts. 1-102)] (Jae Hwang Ju, et al., eds., Seoul, Hanguk sabop hangjeong hakhoe [Korean Society of Justice and Administration], 1983).

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [first name, family name], title of the article (italicized), English translation (optional) (in square brackets), and the periodical in which it is published by volume, title, English translation (optional) (in square brackets), first page of the article, page referenced and date:

Kong Hyun Lee, *Minsa joejong jedo* [Civil Mediation Procedure], INKKWEON GWA JYONG - UI (HUM. RTS. & JUSTICE), Jan. 1994, 45, 47.

IN-SUP HAN, *BUNDAN GWA TONG-IL, GUNGO BOP* [DIVISION, REUNIFICATION AND LAW], 5 Bop gwa sahoe [Law and Society] 48 (1992).

CHIN KIM, *SOBWAE SABOP SARYE GEORGE H. LUSSATO DAE ROLA LUSSATO UI IHON SAGEON* [A CASE OF PRIVATE INTERNATIONAL LAW: DIVORCE CASE OF GEORGE H. LUSSATO V. ROLA LUSSATO], 10 Korean J. Int'l L. 265, 270 (No. 2, 1965).

SONG SEO, *INTERNATIONAL AIR CARRIER'S LIABILITY FOR DAMAGES*, 5 SABOP NONJIP 421 (1974) (IN KOREAN).

BOP-RYUL SHINMUN [THE LAW TIMES], FEB. 6, 1989, AT 2.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by the name of the author(s) (if any), title of the article, English translation (optional) (in square brackets), title of the publication, English translation (optional) (in square brackets), date of publication, and page referenced:

Opening the Rice Market—True Story of the Kim Young Sam Government, DONGA ILBO [DONGA DAILY], Apr. 20, 1998 (in Korean).

CHOSUN ILBO [CHOSUN DAILY], Jan. 6, 1995, at 3.

7.0 Official Publications

The major official publications are:

The Official Gazette of the Government: *Gwanbo*
The Official Gazette of the Court Cases: *Panrye gongbo*
Constitutional Court Newsletter: *Hyonbop jaepanso gongbo*
Supreme Court Reporter: *Daebopwon Pangyeoljip*

8.0 Unpublished Materials

No information is available.

9.0 Citation of Electronic Material

No information is available.

10.0 Unwritten Sources

Cite unwritten sources by “Interview with” name of the person interviewed, title of the person interviewed, and date of the interview:

Interview with Myong-ho Chon, Seoul District Court Judge of S. Korea, 1993- 1995 (July 3, 1996).

III. SELECTED REFERENCES

SUPREME COURT OF KOREA, JUDICIAL SYSTEM OF KOREA (2002).

KOREA LEGISLATION RESEARCH INSTITUTION, CURRENT LAWS OF THE REPUBLIC OF KOREA (Ministry of Legislation of the Republic of Korea ed., Seoul, 1997)

KOREAN LAW IN THE GLOBAL ECONOMY (Sang Hyun Song ed., Pakyoungsa 1996).

SPAIN

España (Kingdom of Spain)

I. COUNTRY PROFILE (Civil Law)

Spain is a parliamentary monarchy comprised of seventeen autonomous communities (*comunidades autonomas*) and two autonomous cities (*ciudades autonomas*). Spain's official national language is Castilian Spanish, while Catalan, Galician, and Basque are official in particular regions. Spain's legal system is based on the civil law tradition. It is a Member State of the European Union.

The Spanish Constitution, which took effect on December 29, 1978, establishes the form of government. Executive power is vested in the Monarch, who is the head of state, but whose role is primarily ceremonial. The monarchy is hereditary. Executive power is exercised primarily by the President (*Presidente*), who is the head of Government, with the advice of the Council of Ministers (*Consejo de Ministros*). The President is nominated by the Monarch and elected by the National Assembly. Generally, the Monarch nominates the leader of the party or parties who form a majority of the National Assembly. The First and Second Vice President are nominated by the President and appointed by the Monarch. Members of the Council of Ministers are appointed by the President. Finally, the Council of State (*Consejo del Estado*) is the supreme consultative organ of the government, although its recommendations are nonbinding.

Legislative power is vested in the bicameral National Assembly (*Cortes Generales*), which consists of the Congress of Deputies (*Congreso de los Diputados*) and the Senate (*Senado*). The 350 Members of the Congress of Deputies are elected by the people on the basis of proportional representation. 208 of the 259 Members of the Senate are directly elected by the people, while the remaining fifty-one Members are appointed by the regional legislatures. Members of both houses serve four-year terms. All legislation is introduced in the Congress of Deputies, although it may be initiated by the leader of the Senate. The Senate has the power to amend or veto legislation initiated by the Congress of Deputies. Once passed by the National Assembly, legislation must be promulgated by the King in order to become law.

Judicial power is vested in the courts, which are administered by the General Council of Judicial Power (*Consejo General del Poder Judicial*). The Constitutional Court (*Tribunal Constitucional*) is the highest court for constitutional matters. For all other subject matters, the Supreme Court (*Tribunal Supremo*) is the highest court. The National Audience (*Audiencia Nacional*) has jurisdiction to hear matters of national interest, such as extradition proceedings or crimes against the Crown.

Lower civil courts include Justices of the Peace (*Juzgado de Paz*), which hear very minor claims, and Courts of First Instance (*Juzgado de Primera Instancia*), which hear most civil claims in the first instance. Criminal matters are investigated by the Investigating Magistrate (*Juzgado de Instrucción*) and decided in the first instance by the Criminal Court (*Juzgado de la Penal*). The Provincial Audiences (*Audiencia Provincial*) hear appeals from decisions of both the *Juzgado de Paz* and the *Juzgado de Primera Instancia*. Appeals from decisions of the Provincial Audiences are heard by the Supreme Court. Specialized courts include the Administrative Courts (*Juzgado de lo Contencioso-Administrativo*) and Labor Courts (*Juzgado de lo Social*).

The autonomous communities operate under the umbrella of the central state and are defined as geographical collectives of provinces and municipalities. Each community is granted legislative autonomy and is entitled to self-regulate in certain areas.

Internet Resources:

Government
<http://www.la-moncloa.es>
Congress of Deputies
<http://www.congreso.es>

Senate
<http://www.senado.es>
Constitutional Court
<http://www.tribunalconstitucional.es/>

II. CITATION GUIDE

There is no uniform code of citation in Spain. Citation practices, however, are based either on the Spanish Official Gazette (*Boletín Oficial del Estado*) or on unofficial publications by private companies such as Aranzadi, Colex, La Ley, etc. The following is based on the Aranzadi standards.

1.0 Constitution

Cite the Constitution (*Constitución Española*) by article referenced and abbreviated title (“C.E.”):

Art. 24 C.E.

2.0 Legislation

2.1 Laws, Orders, and Decrees

Cite legislation by abbreviated type of instrument, number and year [number/year], date [day, month], title, and the reporter in which the legislation is published by abbreviated title, year, and page referenced:

Real Decreto (R.D.) 1098/2001, de 12 de octubre, Aprobación del Reglamento General de la Ley de Contratos de las Administraciones Públicas, RCL 2001, 2594.

The two major Law Reports are RCL (*Repertorio Aranzadi Cronológico de Legislación*) and BOE (*Boletín Oficial del Estado*).

A simplified citation format omits the Law Report as well as its year and page.

RD 296/1996, 23 febrero, que aprueba el Reglamento Orgánico del Cuerpo de Médicos Forenses.

The abbreviations of the main instruments are:

Ley ordinaria (L)

Ley Organica (LO)
Real Decreto (RD)
Real Decreto Ley (RD-Ley)
Real Decreto Legislativo (RDL)
Orden Ministerial (OM)

2.2 Codes

Cite codes by article referenced and abbreviated title:

Art. 12 C.C.

The abbreviations of the Codes are:

Código Civil (C.C.)
Código Penal (C.P.)
Código de Comercio (C.Com.)
Ley de Enjuiciamiento Civil (LEC)
Ley de Enjuiciamiento Criminal (LECr)
Ley Orgánica del Poder Judicial (LOPJ)
Ley de Procedimiento Administrativo (LPA)
Ley de Procedimiento Laboral (LPL)
Ley de la Jurisdicción Contencioso Administrativa (LJCA)
Ley de Orgánica del Régimen Electoral General (LOREG)
Ley de Orgánica del Tribunal Constitucional (LOTC)

3.0 Jurisprudence

Cite cases by name of the court (often abbreviated), location of the court, date of decision, and the reporter in which the case is published by title, decision number and page referenced (in parentheses):

STSJ Murcia (Social), de 1 de marzo 1991 (La Ley 7.8.91, min 2804).

Alternatively, cite cases by name of the court (abbreviated), full date [day, month, year], and “A” (for Aranzadi) and decision number (in parentheses):

STS 15 abril 1992 (A 4421).

STSJ Cataluña (social) 15 enero 1993 (A 2246).

3.1 Courts

The abbreviations of the Courts are:

Sentencia del Tribunal Supremo (STS)
Sentencia Audiencia Nacional (SAN)
Sentencia Audiencia Provincial (SAP)
Sentencia Tribunal Superior de Justicia (STS)

3.2 Reports

When possible, cite to the *Repertorio Aranzadi de Jurisprudencia* (RJ).

3.3 Cases of the *Tribunal Constitucional*

Cite Constitutional Court cases by “STC”, case number and year [number/year], and date of decision [day, month]:

STC 13/1986, de 22 octubre.

Exceptionally, the type of action (*e.g., recurso de amparo*) as well as the reporter in which the case is published (*e.g., RTC for Repertorio Aranzadi del Tribunal Constitucional*) may be provided.

4.0 Books

Cite books by name of the author(s) [family name, first initial] (in small caps), title (italicized), editor (if any), place of publication, year, volume, and page referenced:

FAIREN GUILLÉN, V., *Doctrinal general del Derecho Procesal*, Libreria Bosch, Barcclovia, 1990, p 39.

Subsequently, cite as follows:

FAIREN, *Doctrinal general del Derecho Procesal*, p.163.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [family name, first initial] (in small caps), title of the article (italicized), abbreviated title of the periodical (in small caps), date or year, volume, and page referenced:

GOMEZ COLOMER J.L., *El nuevo régimen del beneficio de la asistencia jurídica gratuita*, LA LEY, 22 abril 1996, n° 4020.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) (in small caps), title of the article (italicized), title of the publication, date, section, and page referenced.

III. SELECTED REFERENCES

VILLIERS, CHARLOTTE, *THE SPANISH LEGAL TRADITION: AN INTRODUCTION TO THE SPANISH LAW AND LEGAL SYSTEM*, (Aldershot, Brookfield, USA: Ashgate/Dartmouth, c1999).

SWEDEN

Konungariket Sverige (Kingdom of Sweden)

I. COUNTRY PROFILE (Civil Law)

Sweden is a constitutional monarchy comprised of twenty-one counties (*län*) and 289 municipalities (*kommuner*). Sweden's official language is Swedish. Its legal system is based primarily on the civil law tradition, although it also incorporates aspects of the common law tradition. Sweden is a Member State of the European Union.

The Swedish Constitution, adopted in 1975, establishes the form of government. Executive power is vested in the Government (*Regering*), which consists of the Prime Minister (*Statsminister*), who is the head of Government, and the Cabinet. The Monarch, who is the head of state, plays a largely ceremonial and symbolic role. The Prime Minister is elected by the Parliament (*Riksdag*). Members of the Cabinet are appointed by the Prime Minister. The Government submits proposals to Parliament concerning legislation and the national budget. Parliament may dissolve the Government at any time.

Legislative power is vested in the unicameral Parliament. The 349 Members of Parliament are elected by the people on the basis of proportional representation to four-year terms. Parliament enacts laws (*lagar*) based on the Government's proposals. It may delegate legislative power to the Government in certain areas. A regulation issued by the Government is called *förordning*.

Judicial power is vested in the courts. Sweden has a dual court system, which is composed of the civil and criminal courts and the administrative courts. In Sweden, the rule of precedent is relative, not absolute. The Supreme Courts include the High Court of General Jurisdiction (*Högsta domstolen*), the High Administrative Court (*Regeringsrätten*), the High Labor and Employment Court (*Arbetsdomstolen*), and the High Market and Competition Court (*Marknadsdomstolen*). Lower courts include General Courts (*Hovrätt* and *Tingsrätt*) and Administrative Courts (*Lansrätt* and *Kammarrätt*).

Internet Resources:

Parliament

<http://www.riksdagen.se>

Government

<http://www.regeringen.se>

Legislation in full text:

<http://www.notisum.se>

II. CITATION GUIDE

There is no uniform code of citation in Sweden. The following represents some accepted practices.

1.0 Constitution

The four Constitutional laws may be abbreviated for citation purposes as follows:

Constitution Act: *Regeringsformen* (RF) SFS
The Freedom of Press Act: *Tryckfrihetsförordningen* (TF) SFS
Fundamental Law on Freedom of Expression: *Yttrandefrihetsgrundlagen* (YGL) SFS
The Act of Succession: *Successionsordningen* (SO) SFS

2.0 Legislation

Cite legislation by type, year and number in Swedish Code of Statutes (*Svensk Författningssamling* (SFS)) [year:number] (in parentheses), and title:

Lag (1994:1117) om registrerat partnerskap.

Lag (1987:232) om sambor gemensamma hem.

Förordning (1772:1104) angående sabbatens firande samt vissa helgdagars flyttning eller indragning.

3.0 Jurisprudence

Cite cases by abbreviated title of the reporter in which the case is published, year of decision, and page referenced:

NJA 1949 s. 609.

RH 1999 s. 1.

RA 1998 s.1.

3.1 Reports

The names and abbreviations of major reports are:

Supreme Court: *Nytt Juridiskt Arkiv* (NJA)

Court of Appeals: *Rättsfall från Hovrätterna* (RH)

Highest Administrative Court: *Regeringsrättens Årsbok* (RA)

4.0 Books

Cite books by name of the author(s) [family name, first initial], title, volume, edition, place of publication (optional), publisher (optional), year, and page referenced:

Bernitz, U. & Kjellgren, A., *Europarättens grunder*, 1:2 uppl., Norstedts Juridik AB, Stockholm, 1999.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [family name, first initial], title of the article, title of the periodical (often abbreviated), volume, year, and page referenced:

Palu, J. & Paulander, H., Att första artikel 177, ERT, pp 59-88.

The major legal journals (and their abbreviations) are:

Svensk Juristtidning (SvJT)
Juridisk Tidskrift (JT)
Europarättslig Tidskrift (ERT)

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author(s) [family name, first initial], title of the article, title of the publication, date, and page referenced:

Velasco, D., Article-Title, Dagens Nyheter, July 25, 1999, p. 12.

7.0 Official Publications

Cite official publications by governmental department, title, reference number (if any), date or year, and page referenced.

8.0 Unpublished Materials

Cite academic papers, theses, etc., by name of the author(s) [family name, first initial], title, university, department, and year:

Velasco, M., The relationship between the International Court of Justice and the Security Council, Stockholm University, Faculty of Law, 1998.

III. SELECTED REFERENCES

AN INTRODUCTION TO SWEDISH LAW (Strömholm ed., Norstedts. Stockholm 1988).

SWITZERLAND

*Confédération Suisse; Schweizerische Eidgenossenschaft;
Confederazione Svizzera (Swiss Confederation)*

I. COUNTRY PROFILE (Civil Law)

Switzerland is a federal republic comprised of twenty-six Cantons (*Cantons, Cantoni, or Kantone*), twenty of which are full Cantons and six of which are half Cantons. Switzerland's legal system is based on the civil law tradition. Its official languages are French, Italian, German, and Romansch.

The Swiss Constitution of 1874 was revised in 1998 and entered into force January 1, 2000. Executive power is vested in the Government, which consists of the President, Vice President and Federal Council (*Conseil Federal, Consiglio Federale, or Bundesrat*). The President is both the head of state and head of the Government. Members of the Federal Council are elected by the Federal Assembly, usually from among its own members, to a four-year term. The President and Vice President are elected by the Federal Assembly from among the members of the Federal Council to concurrent, one-year terms.

Legislative power is vested in the bicameral Federal Assembly (*Assemblée Federale, Assemblea Federale, or Bundesversammlung*), which consists of the Council of States (*Conseil des Etats, Consiglio degli Stati, or Standerat*) and the National Council (*Conseil National, Consiglio Nazionale, or Nationalrat*). The 46 Members of the Council of States (two of whom represent each full Canton and one of whom represents each half Canton) are directly elected by the people in each Canton. The 200 Members of the National Council are directly elected by the people on the basis of proportional representation. Members of both houses serve for four-year terms. The two houses of the Federal Assembly have equal powers in all respects, including the right to introduce legislation. All laws (except the budget) can be reviewed by popular referendum before taking effect.

Judicial power is vested in the courts. The only regular federal court is the Federal Tribunal (*Tribunal Fédéral, Tribunal Federal or Bundesgericht*), which consists of thirty full-time judges and thirty part-time judges, all of whom are elected by the Federal Parliament to six-year terms. The Federal Tribunal is a court of limited jurisdiction. Its principal function is to hear appeals from civil and criminal decisions of the Canton courts. It has authority to review cantonal court decisions involving federal law and certain administrative rulings of federal departments, but it has no power to review legislation for constitutionality. All lower courts are organized within and by the Cantons.

The Cantons are sovereign subject to limitations by the Constitution; they can exercise all rights which, according to the Constitution, are not transferred to the Confederation. The Cantons are thus in a position to define the tasks which they shall accomplish within the framework of their powers. The Municipalities are autonomous within the limits fixed by cantonal law. Accordingly, federal law takes precedence over conflicting cantonal law, and cantonal law takes precedence over conflicting municipal law.

The authorities within each Canton basically mirror the federal authorities in structure and assessment of powers. In every canton, executive power is vested in a collegiate body, generally called the Council of State (*Conseil d'Etat, Consiglio di Stato, or Regierungsrat*). Each Canton also has a unicameral legislative body, generally called the Great Council (*Grand Conseil, Gran Consiglio, or Kantonsrat*).

Internet Resources:

Federal Confederation Authorities
<http://www.admin.ch>
Official Collection of Federal Law
<http://www.admin.ch/ch/d/as/index.html>

Systematic Collection of Federal Law
<http://www.admin.ch/ch/d/sr/sr.html>
Federal Supreme Court
<http://www.bger.ch/>

II. CITATION GUIDE

There is no uniform code of citation in Switzerland. The following represents the most common form of citation in German. The citations in French and Italian are different. For an overview of the commonly accepted standards of citation and legal research as well as a list of standard abbreviations, see PETER FORSTMOSER ET AL., *JURISTISCHES ARBEITEN, EINE ANLEITUNG FÜR STUDIERENDE* (2d ed. 1998).

0.1 Common Abbreviations

Common abbreviations in German include Article (Artikel or Art.), paragraph (Absatz or Abs.), and clause (Satz). The “Abs.” and “Satz” symbols are optional.

1.0 Constitution

Cite the Constitution (*Bundesverfassung der Schweizerischen Eidgenossenschaft*) by subdivision referenced (see Part 0.1) and abbreviated title (“BV”):

Art. 62 Abs. 2 Satz 2 BV.

2.0 Legislation

2.1 Statutes, Laws, and Decrees

Cite statutes, laws, and decrees by title, short and/or abbreviated title (usually found in the official text) (in parentheses), date (if not included in the official title), and official gazette (see Part 2.3) in which the statute, law, or decree is published by abbreviated title, year and page referenced:

Bundesgesetz vom 9. Oktober 1992 über das Urheberrecht und verwandte Schutzrechte (Urheberrechtsgesetz, URG), AS 1993, 1798 ff.

Verordnung vom 26. April 1993 über das Urheberrecht und verwandte Schutzrechte (Urheberrechtsverordnung, URV), AS 1993, 1821 ff.

The official texts of the federal codes and statutes are available online (<http://www.admin.ch/ch/d/sr/sr.html>) or at the publication center of the federal administration in Bern (http://www.admin.ch/ch/d/bk/kav/index_de.html). The title page of each enactment gives all the relevant information needed for correct citations.

2.2 Codes

Cite codes by article and paragraph and short or abbreviated title. When cited for the first time, the code should be cited in full (see Part 2.1) or the full citation should be given in a footnote following the short title or abbreviation:

Art. 2 Abs. 3 Urheberrechtsgesetz.

Art. 2 Abs. 3 URG.

Alternatively, cite codes by abbreviated title, article, and paragraph referenced (in Roman numerals):

URG 2 III.

The abbreviations of major federal codes are:

Civil Code: *Zivilgesetzbuch* (ZGB), *Code Civil* (CC), *Codice Civile* (CC)

Law of Obligations: *Obligationenrecht* (OR), *Droit des Obligations* (CO), *Diritto delle Obbligazioni* (CO)

Criminal Code: *Strafgesetzbuch* (StGB), *Code Pénal* (CP), *Codice Penale* (CP)

2.3 Gazettes

The Constitution, federal codes and statutes, and decrees are published by the federal administration in German, French and Italian in the followings series:

Adjusted Collection of Federal Law: *Bereinigte Sammlung der Bundesgesetze und Verordnungen* (BS)

Official Collection of Federal Law: *Amliche Sammlung der Bundesgesetze und Verordnungen* (AS) Systematic

Collection of Federal Law: *Systematische Sammlung des Bundesrechts* (SR)

The cantonal statutes are available in the cantonal state offices (*Staatskanzlei*). The cantons and some large municipalities publish their law in their own collections, and most can be found online. (See, e.g., http://www.informationjuridique.admin.ch/index_de.html.)

3.0 Jurisprudence

3.1 Unpublished Cases

Cite cases not published in an official reporter by the name of the court (the Federal Supreme Court, *Bundesgerichtsentscheid*, is usually abbreviated “BGE”), date of decision, and docket number (in parentheses, if available). If the decision has been published elsewhere, include a citation to the periodical in which the case is published. The exact paragraph of the decision may be cited by adding “E.” and paragraph referenced:

BGE vom 23. Dezember 2003 (4C.224/2003).

BGE vom 3. April 1996 in ZBI 1997, S. 65 ff., E. 4.b.

In Switzerland, case law is an auxiliary source of law. Cantonal courts handle most of the cases dealing both with federal and cantonal law on the district and appellate court level. The Swiss Federal Supreme Court generally acts as a court of ultimate resort.

Typically, district court decisions are not published at all, and only select appellate court decisions are published (in cantonal law reviews). Select Federal Supreme Court decisions are officially published in the *Amtliche Sammlung*.

3.2 Published Cases

Cite cases published in an official reporter by abbreviated title of the reporter, volume and page referenced. If desired, the paragraph referenced may be included by adding “E.” (for *Erwägung*) and paragraph referenced:

BGE 124 II 53, E. 1a.

ATF 117 V 42.

3.3. Reports

Select Federal Supreme Court decisions are published in the *Amtliche Sammlung der Entscheidungen des Schweizerischen Bundesgerichtes* (cited as “BGE” in German, “ATF” in French, “DTF” in Italian). All decisions (since 2000) are available online (<http://www.bger.ch>). Decisions are published in German, French or Italian, according to the language used in the litigation.

An important unofficial reporter of Federal Supreme Court cases—collecting officially published cases, select unpublished cases, and German translations of French and Italian decisions—is *Die Praxis des Schweizerischen Bundesgerichts* (abbreviated “Pra”).

A number of law reviews, most highly specialized, also print cantonal and federal court decisions, often accompanied by explanatory and/or critical notes. Among the most important (and more general) are *Aktuelle Juristische Praxis* (AJP), *Schweizerische Juristenzeitung* (SJZ), *Journal des*

Tribunaux (JdT), *La Semaine Judiciaire* (Sem. Jud.) and *Repertorio di Giurisprudenza Patria* (Rep.)

3.2 Courts

Abbreviations of Federal Courts are:

Federal Supreme Court: *Schweizerisches Bundesgericht* (BGer), *Tribunal Fédéral* (TF),
Tribunale Federale (TF)

Federal Supreme Social Security Court: *Schweizerisches Versicherungsgericht* (EVG), *Tribunal Fédéral des assurances* (TFA), *Tribunale Federale delle assicurazioni* (TFA)

Designations of cantonal courts vary from canton to canton; the most common are:

Appellate Court: *Obergericht* / *Kantonsgericht* / *Appellationshof*

District Court: *Bezirksgericht* / *Amtsgericht*

Commercial Court (some cantons only): *Handelsgericht*

4.0 Books

Cite books by name of the author(s) (capitalized or in small caps), title, edition, and location and year of publication:

ROLAND VON BÜREN/EUGEN MARBACH, *Immaterialgüter- und Wettbewerbsrecht*, 2. A., Bern 2002.

Cite anthologies by name of the contributing author(s) (capitalized or in small caps), title of the contribution, editor, title of the anthology, edition, and location and year of publication:

MAX KUMMER, *Die Entgrenzung der Kunst und das Urheberrecht*, in: Paul Brügger (Hrsg.), *Homo Creator. Festschrift für Alois Troller*, Basel/Stuttgart 1976.

Citations usually include page referenced (“S.” for “*Seite*” or “p.” for “*pagina*” is optional). If a book has consecutively numbered paragraphs (*Randziffern*), the paragraph number (“Rz.” or “Rn.”) may be cited instead of the page number:

ROLAND VON BÜREN/EUGEN MARBACH, *Immaterialgüter- und Wettbewerbsrecht*, 2. A., Bern 2002, 161.

ROLAND VON BÜREN/EUGEN MARBACH, *Immaterialgüter- und Wettbewerbsrecht*, 2. A., Bern 2002, Rz. 809.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) (capitalized or in small caps), title of the article, title of the periodical (often abbreviated), volume, year (in parentheses), and page referenced:

MAX KUMMER, Die privatrechtliche Rechtsprechung des Bundesgerichts im Jahre 1979,
in: ZBJV 117 (1981), 149 ff.

The most important general legal periodicals are:

Aktuelle Juristische Praxis (AJP)
Zeitschrift für juristische Ausbildung und Praxis (recht)
Schweizerische Juristenzeitung (SJZ)
Zeitschrift des Bernischen Juristenvereins (ZBJV)

TAIWAN

T'ai-wan (Republic of China (Taiwan))

I. COUNTRY PROFILE (Civil Law)

Taiwan is a unitary state and democratic republic that currently administers Taiwan, Penghu and several outlying islands of Fujian. It has a civil law system primarily influenced by Japan, Germany, and the United States. The official title of Taiwan is “Republic of China” (ROC) (N.B., “China” refers to the People’s Republic of China (PRC)). Most major nations maintain unofficial, semi-diplomatic relations with Taiwan. The official language is Mandarin Chinese, but Taiwanese is frequently used. The Romanization of Chinese in Taiwan uses both *Tongyong pinyin*, which has been officially adopted by the national government, and *Hanyu pinyin*. Taiwan’s legal system is based on the civil law tradition.

The Constitution, adopted in 1947 for all of China, has been heavily revised since 1991 (with the last revision occurring in 2000), in response to Taiwan’s abandonment of its claim of governing mainland China. The Taiwanese authorities no longer dispute the fact that the PRC controls mainland China. The Constitution establishes Taiwan’s form of governance.

The President, who is the head of state, has authority over the five administrative branches (*Yuan*): Executive, Legislative, Control, Judicial, and Examination. The president is directly elected by the people to a four-year term that may be renewed once.

Executive power is vested in the Executive branch, which consists of the Premier and the Cabinet. The Premier, who is the head of the Executive branch, is appointed by the President. Members of the Cabinet are nominated by the President and approved by the Legislative branch.

The second National Assembly, elected in 1991, was composed of 325 members. The majority was elected directly while 100 were chosen from party slates in proportion to the popular vote. This National Assembly amended the Constitution in 1994, paving the way for the direct election of the president and vice president in March 1996. The National Assembly retained the authority to amend the constitution, recall or impeach the president and the vice president, and ratify certain senior-level presidential appointments. In April 2000, the members of the National Assembly voted to permit their terms of office to expire without holding new elections. They also determined that such an election would be called in the event the National Assembly is needed to decide a presidential recall or a constitutional amendment.

The main lawmaking body, the Legislative Yuan (LY), was originally elected in the late 1940s in parallel with the National Assembly. The first LY had 773 seats and was viewed as a “rubber stamp” institution. The second LY was elected in 1992. The third LY, elected in 1995, had 157 members serving 3-year terms. The fourth LY, elected in 1998, was expanded to 225 members. The LY has greatly enhanced its standing in relation to the Executive Yuan and has established itself as an important player at the central level.

Legislative power is vested primarily in the unicameral LY with 225 seats, of which 168 seats are elected by popular vote as regional representatives. Eight seats are popularly elected by the aboriginal people. Of the remainder, 41 seats are given to national representatives and 8 seats to overseas Chinese representatives, whom are appointed by the political parties by way of proportional representation. Members serve three-year terms and can be elected indefinitely. Originally, the National Assembly, as a standing constitutional convention and electoral college, held some parliamentary functions. It has now become a non-standing body of 300 delegates appointed by the political parties in proportion to their membership in the LY in

circumstances when the Legislature has proposed a constitutional amendment, a change to national territory, or an impeachment of the president or vice president.

The Control Branch monitors the efficiency of public service and investigates instances of corruption. The twenty-nine Members of the Control Branch are appointed to six-year terms by the President and approved by the National Assembly.

The Examination Branch functions as a civil service commission and includes the Ministry of Examination, which recruits officials through competitive examination, and the Ministry of Personnel, which manages the civil service. The President appoints the head of the Examination Branch.

The Judicial Branch administers Taiwan's courts. It includes a sixteen-member Council of Grand Justices, which has exclusive authority to interpret the Constitution and which also renders binding interpretations of statutes and regulations. Grand Justices are appointed by the President, with the consent of the National Assembly, to nonrenewable, nine-year terms. The court system is composed primarily of the Supreme Court, High Court, and District Courts, all of which have general jurisdiction over civil and criminal matters. The District Courts have original jurisdiction over civil and criminal cases, and the High Courts have appellate jurisdiction to review District Court decisions and original jurisdiction for treason cases. The Supreme Court, as the court of last resort, has appellate jurisdiction to review all lower court decisions on questions of law. Parallel to these courts of general jurisdiction are the Administrative Courts (the Supreme Administrative Court and the High Administrative Courts), which hear public law controversies, and the Committee on the Discipline of Public Functionaries, which presides over trials of civil servants accused of misconduct. Judges of these courts are selected in the same manner as other civil servants.

The Constitution provides for local self-government, which is conducted at the following three levels: province and special municipalities, county and provincial cities, and rural and urban townships or county municipalities. The heads of the local governments are elected by the people to four-year terms. Limited legislative powers concerning local affairs are exercised primarily by the municipal and county councils, which are elected by the people.

Internet Resources:

Office of the President
http://www.president.gov.tw/index_c.html
National Assembly
<http://www.nasm.gov.tw/>
Executive Yuan
<http://www.ey.gov.tw/>
Legislative Yuan
<http://www.ly.gov.tw/>
Judicial Yuan
<http://www.judicial.gov.tw/>
Control Yuan
<http://www.cy.gov.tw/>

Examination Yuan
<http://www.exam.gov.tw/>
Ministry of Justice
<http://www.moj.gov.tw/>
Ministry of Economic Affairs
<http://www.moea.gov.tw/>
Ministry of Foreign Affairs
<http://www.mofa.gov.tw/mofa91/web/index.php>

II. CITATION GUIDE

There is no uniform code of citation in Taiwan. The following represents an English transliteration of citation forms commonly used in textbooks and scholarly works.

0.1 A Note on Transliteration

In Taiwan several Romanization systems are used concurrently by different levels of government, and within some levels of government, different systems are used for different purposes. This Guide primarily uses the traditional Wade-Giles system.

0.2 A Note on Dates

Dates are often cited using the Roman calendar along with the Min Gou calendar year in the following format: “Min Guo” (sometimes spelled “Min Kuo”), [year], “nien” (meaning “year”), [month], [day]. Reference may also be made to the year under the Roman calendar after the date or the citation (in square brackets).

1.0 Constitution

Cite the Constitution (*Chung Hua Min Guo Hsien Fa, Min Guo 36 nien, December 25* (R.O.C. Constitution, December 25, 1947)) by abbreviated title (“Hsien Fa”), article, and section or paragraph referenced:

Hsien Fa [Constitution], art. 64, para. 1, subpara. 2.

Cite the amended constitution (*Chung Hua Min Guo Hsien Fa Tseng Hsiu T'iao Wen, Min Guo 89 nien, April 25* (Amendment to R.O.C. Constitution, April 25, 2000, which incorporates all previous amendments in force)) by abbreviated title (“Hsien Fa Tseng Hsiu T'iao Wen”), article, and section or paragraph referenced:

Hsien Fa Tseng Hsiu T'iao Wen [Additional Articles to the Constitution], art. 9, para. 1, subpara. 2.

2.0 Legislation

Cite codes, statutes and regulations by title, and subdivision referenced by title (optional), followed by article, paragraph, subparagraph and item, or part, chapter, section, subsection and item):

Min Fa, Ch'in Shu Pien [Civil Code, Family Part], art. 1052, para. 1, subpara. 4.

Hsing Fa [Criminal Code], art. 38, para. 1, subpara.1.

3.0 Jurisprudence

3.1 Interpretations of the Judicial Yuan and the Council of Grand Justices

Cite interpretations by the year (optional, using the Min Guo calendar, see Section 0.2 above), type of interpretation, and interpretation number:

Yuan Tzu No. 15.

Yuan Cheh Tzu [Yuan Interpretation] No. 2926.

Shih Tzu [Interpretation of Council of Grand Justices] No. 446.

3.2 English Translations of Interpretations

Cite the English translation of an interpretation by interpretation number, translator, Constitutional Court Reporter by volume, abbreviated title, first page of the interpretation and page referenced, date of decision (optional), and year of publication of the reporter:

Interpretation No. 499 [translated by Prof. Andy Y. Sun], 1 ROC Const. Ct. 1, 3 (decision rendered on March 24, 2000) (2000).

English translations of interpretations may be found on the website of the Judicial Yuan.

3.2 Precedents and Decisions

Cite cases by the name of the court, year (optional, using the Min Gou calendar, see Section 0.2 above), location of the court (for the Supreme Court only), jurisdiction (e.g. appeal, objection, traffic, etc.), case number, and case type (precedent or decision). The case is not precedent unless so indicated.

Tsui Kao Fa Yuen 53 Nien T'ai Shang Tzu Ti 592 Hao P'an Li [Supreme Court 1964 Tai-Appeal No. 592 Precedent].

Tsui Kao Fa Yuen 29 Nien Tu Shang Tzu Ti 1005 Hao P'an Li [Supreme Court 1940 Appeal No. 1005 Precedent].

Hsing Cheng Fa Yuen 46 Nien Ts'ai Tzu Ti 41 Hao P'an Li [Administrative Court 1957 Ruling No. 41 Precedent].

Note: For cases decided before 1949, it is important to provide the location of the Supreme Court, as its location changed periodically.

4.0 Books

Cite books by name of the author(s), name of the editor and translator (if any) [family name, given name (for Chinese names)], title, volume (if any), year (optional, using the Min Gou

calendar, see Section 0.2 above), edition (optional), page reference, and the language in which the book is written (optional):

Hung Hsun Hsin, *China Civil Law General Principles*, 65 Nien [1976], revised 1st ed., p. 13 (Chinese).

Cite articles in anthologies by name of the author(s), title of the article (italicized), title of the anthology, volume (if any), year (optional, using the Min Gou calendar, see Section 0.2 above), edition (optional), page reference, and language in which the book is written (optional):

Wang Tse Chien, *Unjust Enrichment of Using Other Person's Goods*, *Research on Civil Law Theory and Precedents*, vol. 3, p. 89 (Chinese).

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s), name of the translator (if any), title of the article (italicized), title of the periodical, scroll number (if any), volume, year and month (optional, using the Min Gou calendar, see Section 0.2 above), page referenced, and language in which the article is written (optional):

Liao I Nan, *Discussion and Legal Questions of Enterprises from Perspectives of Economic Law*, *Taiwan University Law Journal*, scroll 4, vol. 2, 64 Nien [1975] April, p. 141 (Chinese).

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by name of the author (if available), title of the article (italicized), title of the publication, page referenced, date (using the Min Gou calendar, see Section 0.2 above), and language in which the article is written (optional):

Wang Chih Wen, *Hijacking Cases and International Law*, *Independent Morning News*, p. 5, 82 Nien [1993] April 9 (Chinese).

7.0 Official Publications

Cite official publications by title, scroll number (if any), volume, date (optional, using the Min Gou calendar, see Section 0.2 above), page referenced, and language in which the article is written (optional):

Presidential Office Gazette, vol. 2983, 64 Nien [1975] Dec. 29, p. 7 (Chinese).

8.0 Unpublished Materials

Cite theses by author, title, university and degree, year (using the Min Gou calendar, see Section 0.2 above), page referenced, and language in which the article is written (optional):

Juang Ch'un Shan, *Research on Torts to Other Person's Rights of Obligation*, Taiwan University LL.M. Thesis, 65 Nien [1976], p. 12 (Chinese).

9.0 Citation of Electronic Material

Taiwan's main database is Fa Yuan (Legal Resources) Information System (a private database available at <http://www.lawbank.com.tw/index.php>). In addition, the Judicial Branch provides the Judicial Yuan Legal Materials Information System, where users can search for court decisions, resolutions, and interpretations (<http://nwjirs.judicial.gov.tw/Index.htm>). Cite to the material referenced (e.g., the legislation or court decision), the database's name, its web address, and the date of visit to the database (using the Min Gou or Western calendar):

Supreme Court 1964 Tai-Appeal No. 592 Precedent, Fa Yuan Info. System,
www.lawbank.com.tw, visited on Feb. 20, 2004.

TANZANIA

Jamhuri ya Muungano wa Tanzania (United Republic of Tanzania)

I. COUNTRY PROFILE (Common Law)

Tanzania is a republic comprised of twenty-six regions. Tanzania's official languages are Swahili (also known as Kiswahili) and English. Its legal system is based on the common law tradition.

The Union Constitution (*Katiba ya Jamhuri ya Muungano wa Tanzania*), which was adopted in 1977, establishes the form of government. It was amended in 1984 to include a Bill of Rights and has been amended several times since. The 1992 amendments to the Union Constitution implemented a multiparty democracy in Tanzania.

Executive power is vested in the Government. The head of the Government is the President of the United Republic, who is also the head of state. The President is directly elected by the people to a five-year term. The Vice President is also directly elected by the people to a five-year term on the same ballot as the President. According to the Constitution, if the President comes from the mainland, the Vice President must come from Zanzibar, and vice versa. Members of the Cabinet, including the Prime Minister, are appointed by the President.

Legislative power is vested in the unicameral National Assembly (*Bunge*). 232 of the 274 Members of the National Assembly are directly elected by the people, thirty-seven Members are women, nominated by the President, and five are members of the Zanzibar House of Representatives. All members serve five-year terms. The National Assembly enacts legislation that applies to the entire United Republic, as well as legislation that applies only to the mainland. The National Assembly may amend the Constitution by a two-thirds majority vote of both the Zanzibar and mainland representatives.

Zanzibar is a semi-autonomous region governed by the 1984 Zanzibar Constitution. The President of Zanzibar, who is head of government for matters internal to Zanzibar, is directly elected by the people of Zanzibar to a five-year term. Zanzibar also has its own House of Representatives, which enacts legislation for Zanzibar for all non-Union matters. The fifty Members of the Zanzibar House of Representatives are directly elected by the people of Zanzibar to five-year terms. The Union Constitution provides that any law promulgated by the House of Representatives that is under the jurisdiction of the National Assembly is void and vice versa. It further provides that any law enacted in Zanzibar that conflicts with the Union Constitution is null and void.

Judicial power is vested in the courts, which consist of the Permanent Commission of Enquiry (the official ombudsman), the Court of Appeal, the High Court, the District Courts, and the Primary Courts. The Court of Appeal consists of a chief justice and four judges. The High Court consists of a Head Judge (*Jaji Kiongozi*) and twenty-nine judges appointed by the president and holds regular sessions in all regions. Constitutional disputes between the Union Government and the Zanzibar Government are referred to the Special Constitutional Court of the Union, which has equal representation from Zanzibar and the mainland.

The Primary Courts, which are courts of limited jurisdiction, hear petty civil cases and misdemeanors. Appeals from decisions of the Primary Courts are heard by the higher courts. The Higher Courts are courts of unlimited civil and criminal jurisdiction. The Court of Appeals of the United Republic is the highest court.

Zanzibar has a separate judicial system, which includes a High Court, Kadhis Courts, and Magistrates Courts. Decisions of the Zanzibar High Court can be appealed to the Court of Appeals, except for those involving issues of constitutional or Islamic law. Islamic courts also operate in Zanzibar and have jurisdiction over cases involving Muslim residents in the areas of marriage, divorce, and inheritance.

Internet Resources:

Official site
<http://www.tanzania.go.tz>
Information gateway
<http://www.tzonline.org>

Parliament
<http://www.parliament.go.tz>
Law Reform Commission
<http://www.lrct-tz.org>

II. CITATION GUIDE

1.0 Constitution

Cite the Union Constitution by title and subdivision(s) referenced:

Constitution of the United Republic of Tanzania, Article 36(2).

2.0 Legislation

Cite legislation by title, year, act number, source, and subdivision(s) referenced:

Regulation of Land Tenure (Established Villages) Act, 1992, Act No 22 of 1992.

Income Tax Act No. 33 of 1974, ss 2(1), 2(b)(i) & 34(1).

Civil Procedure Decree, Cap. 8, s 15(c).

Rent Restriction Decree Cap 98, the Laws of Zanzibar, s 24(1).

3.0 Jurisprudence

3.1 Reported Cases

Cite reported cases by name of the parties (italicized), year (also represents the reporter volume) (normally in square brackets), reporter in which the case is published by title and page referenced, and, if not clear from the title of the reporter, name of the court (in parentheses):

Jimmy David Nyonya v National Milling Corporation Limited [1994] TLR 28 (HC).

Himid Mbaye v The Brigade Commander [1994] TLR 294 (HCZ).

3.2 Unreported Cases

Cite unreported cases by name of the parties (italicized), case type, number and year, deciding court (in parentheses), and “(unreported)”:

R. v. Asha Mkwizu Hauli, Crim Sessions Case No 3 of 1984 (DSM) (unreported).

I G Lazaro v Josephine Mgombera Civil Appeal No 2 of 1986 (CA) (unreported).

3.3 Courts

Abbreviations of courts include:

DSM Magistrate Court (DSM)
Mainland High Court (HC)
Tabora Magistrate Court (Tabora)
Zanzibar High Court (HCZ)
Court of Appeals (CA)
(Former) Court of Appeals of East Africa (EA)

3.4 Reports

Reports include:

Tanzania Law Report (TLR)
Zanzibar Law Report (ZLR)
East African Law Report (EA)

4.0 Books

Cite books by name of the author(s), title (italicized), publisher (in parentheses), year, and page referenced:

Mwalimu Julius K Nyerere, *Freedom and Unity* (Oxford University Press) 1966 at p. 68.

III. SELECTED REFERENCES

HENRY BIENEN, *TANZANIA: PARTY TRANSFORMATION AND ECONOMIC DEVELOPMENT* (Princeton University Press 1970).

TANZANIA: DEMOCRACY IN TRANSITION (Immanuel K. Bavu, et al. eds, Dar es Salaam University Press 1990).

JENNIFER WIDNER, *BUILDING THE RULE OF LAW* (Norton, London 2001).

THAILAND

Kingdom of Thailand

I. COUNTRY PROFILE (Civil Law)

Thailand is a constitutional monarchy comprised of seventy-six provinces (*Changwat*). Thailand's official language is Thai. Its legal system is based primarily on the civil law tradition, but it is also influenced by the common law tradition.

The Constitution, signed by King Phumiphon in 1997, establishes the form of government. Executive power is vested in the Government. The King, who is the head of state, is the hereditary monarch. The King has power to convene the National Assembly, veto legislation, dissolve the House of Representatives, issue Emergency Decrees in relation to national security, issue Royal Decrees, declare war, declare and lift martial law, and conclude peace treaties. The Prime Minister, who is the head of the Government, is designated from among the members of the House of Representatives, and appointed by the King. In practice, the Prime Minister is usually the leader of the party that can organize a majority coalition in the House of Representatives. The Cabinet is comprised of a Council of Ministers and a Privy Council.

Legislative power is vested in the bicameral National Assembly (*Rathasapha*), which consists of the Senate (*Wuthisapha*) and the House of Representatives (*Sapha Phuthaen Ratsadon*). The 200 Members of the Senate are directly elected by the people to six-year terms, while the 500 Members of the House of Representatives are directly elected by the people to four-year terms. Among other powers, the National Assembly controls the administration of state affairs, approves various issues such as succession to the throne, and declares wars. Only members of the House of Representatives may introduce bills and organic law bills. After the House of Representatives passes a bill or an organic law bill, it is sent to the Senate for consideration for a maximum of sixty days.

Judicial power is vested in the courts. The Constitutional Court is the highest court of appeals. Its jurisdiction, however, is limited to clearly defined constitutional issues. Members of the Constitutional Court are nominated by the Senate and appointed by the King. The Courts of Justice have jurisdiction over criminal and civil cases and are organized in three tiers: Courts of First Instance (*Sarn Pang* for civil matters, and *Sarn Aya* for criminal cases), the Court of Appeals (*Sarn Uthorn*), and the Supreme Court of Justice (*Sarn Dika*). In addition, Provincial courts (*Sarn Changwat*) exercise unlimited original civil and criminal jurisdiction outside Bangkok. The Court of Appeals consists of three regional courts and a Bangkok court. The Supreme Court, which consists of fifteen divisions, has jurisdiction to hear all appeals. Judges are appointed and removed by the King upon the recommendation of the Court of Justice of Judicial Commission. In Thailand's southern provinces, where Muslims constitute a majority of the population, Provincial Islamic Committees have specialized jurisdiction over family, marriage, and probate matters. Finally, specialized courts, such as the Central Intellectual Property and International Trade Court, the International Trade Court, and the Central Bankruptcy Court, deal with particular commercial matters.

Internet Resources:

Government
<http://www.thaigov.go.th>

Judiciary
<http://www.judiciary.go.th>

Parliament
<http://www.parliament.go.th>
Senate
<http://www.senate.go.th>

Ministry of Justice
<http://www.muj.go.th>
Ministry of Foreign Affairs
<http://www.mfa.go.th>

II. CITATION GUIDE

There is no uniform code of citation in Thailand. The following represents common practices.

1.0 Constitution

Cite the Constitution by title, statute number (in parentheses), and year:

Radthathammanoon (B.E. 2534) – 1997.

2.0 Legislation

Cite legislation by title (capitalized if in English), number, and year (in parentheses):

PATENT ACT, B.E. 2535 (1992) (Thai).

Por Sor 2535 [Patent Act B.E. 2535] (1992).

2.1 Official Publications

Laws may also be cited by their location in an official or unofficial gazette. Cite gazettes by volume, title (capitalized), page on which the law appears, number of the law, and date:

108 RAADCHAKIDJAA [ROYAL THAI GOV'T GAZETTE] pt.216 (B.E.2534, Dec.9, 1991).

Thailand's Official Gazette is the *Ratchakitchanubeska*. An unofficial version (Thai text with English translation) is the *Raadchakidjaa* (Royal Thai Government Gazette).

3.0 Jurisprudence

Cite cases by name of the court, case number, and date:

Supreme Court Dika No.913/2536, 26 March 1993.

3.1 Reports

Reporters include the *Kamphiphaksa San Dika* and the *Kum Pipaksa Dika*.

4.0 Books

No information is available.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s), title of the article (italicized), and periodical by volume, title (capitalized), page referenced, and date of the publication (in parentheses):

Borwornsak Uwanno & Surakiart Sathirathai, *Introduction to the Thai Legal System*, 4 CHULALONGKORN L. REV. 39 (1985-6).

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by title of the publication (capitalized), date, and page referenced:

BANGKOK POST WKLY REV. (May 29, 1992 at 1-2).

III. SELECTED REFERENCES

BORWORNSAK UWANNO & SURAKIART SATHIRATHAI, INTRODUCTION TO THE THAI LEGAL SYSTEM, 4 CHULALONGKORN L. REV. 39 (1985-86).

TURKEY

Türkiye Cumhuriyeti (The Turkish Republic)

I. COUNTRY PROFILE (Civil Law)

Turkey is a republican parliamentary democracy comprised of eighty-one Provinces. Each Province (*il*; plural *iller*) is subdivided into Districts (*ilçe*) and Townships or Communes (*bucak*). Turkey's official language is Turkish. Its legal system is based on the civil law tradition.

The Constitution, promulgated on November 7, 1982, establishes the form of government. Legislative power is vested in the unicameral Grand National Assembly (*Buyuk Millet Meclisi*). The 550 Members of the National Assembly are directly elected by the people to five-year terms. The National Assembly may decide to hold new elections any time before the end of its regular term. Under certain circumstances, the President of the Republic may also call for new elections. The National Assembly oversees the executive branch by means of questions (*soru*), oral questions with debate (*genel goruşme*), parliamentary investigations (*meclis araştırması*), parliamentary inquiries (*meclis soruşturması*), and interpellations (*gensoru*). It also controls the national budget. Rejection of the budget bill is considered an indirect vote for censure of the Council of Ministers.

Executive authority is vested in the Government. The President of the Republic, who is the head of state, is elected by the National Assembly to a seven-year term. The Council of Ministers (*Bakanlar Kurulu*) is composed of the Prime Minister, who is designated by the President from among the members of the National Assembly, and other Ministers, who are nominated by the Prime Minister and appointed by the President. The Council of Ministers must obtain a vote of confidence in the Assembly in order to operate. The executive branch enacts regulations, bylaws, and various other rules or supplemental legislation. This is referred to as the regulative power of the executive (*yürütme organının düzenleme yetkisi*). All presidential decrees must be counter-signed by the Prime Minister and the specific Ministers concerned. Many of the President's other powers require the participation of the Prime Minister and other Ministers concerned, who thus assume political responsibility for those decisions. One important power of the President that does not involve participation of the Council of Ministers is the dissolution of the National Assembly, effected when conditions set forth in the Constitution are met.

Judicial power is vested in the courts, which include the Constitutional Court, the Court of Cassation (*Yargıtayın İçtihadı Birleştirme Kararı*), the High Court of Appeals (*Yargıtay*), the Council of State (*Danistay*), the Court of Accounts (*Sayıstay*), the Military High Court of Appeals, and the Military High Administrative Court. The Constitutional Court has exclusive jurisdiction to determine the constitutionality of laws, statutory decrees, and the standing orders of the National Assembly. The Constitutional Court also reviews constitutional amendments to determine whether they comply with the procedural rules, tries impeachment cases, and determines the constitutionality of political party activity. It is composed of eleven regular and four alternate members. Some of its members are appointed by the President of the Republic. A majority of its members, however, are nominated by the other high courts.

Internet Resources:

Turkish Embassy

<http://turkey.org/>

Judiciary

<http://www.turkishembassy.org/governmentpolitics/politicsjudiciary.htm>

II. CITATION GUIDE

There is no uniform code of citation in Turkey. The following represents the most accepted citation practice, but they are not adhered to by all authors.

0.1 Common Abbreviations

Common abbreviations in Turkish include article (“madde” or “m.”), paragraph (“fıkra” or “f.”) and page (“s.”)

1.0 Constitution

Cite the Constitution by title (*Türkiye Cumhuriyeti Anayasası*) or abbreviated title (“T.C. Ana.” or “Ana.”), and subdivision referenced (see Section 0.1):

Türkiye Cumhuriyeti Anayasası Madde 3.

T.C. Ana. m.3.

Ana. m.3.

2.0 Legislation

2.1 Statutes, Laws, Regulations, Decrees

Cite statutes, laws, regulations, and decrees by short title or abbreviated title, and subdivision(s) referenced:

Vergi usul kanunu Madde 20 fıkra 3 [Tax Procedure Code, Article 20 paragraph 3].

VUK. m. 20 f. 3.

More formally, cite a code as a whole by title, law number, followed by the official gazette in which it is published by title, date and number, and date of enactment:

Türk Medeni Kanunu, Kanun No.: 743 R.G.: 04.04.1926 Sayı: 339, Kabul Tarihi: 17.02.1926.

Turkish Civil Code, Law No.: 743 Official Gazette [Resmi Gazete = R.G.], 4 April 1926 No. 339, enacted: 17 February 1926.

Other legislative sources of law use the same citation form as codes, including statutory decrees (*kanun hükmünde kararname*), regulations (*tüzük*), and bylaws (*yönetmelik*).

2.2 Codes

Cite codes by abbreviated name and article:

TTK. m. 741.

MK. m. 17.

The abbreviations of major Codes are:

Constitution: *Anayasa* (Ana.)

Code of Obligations: *Borçlar Kanunu* (BK.)

Code of Criminal Procedure: *Ceza Muhakemeleri Usulü Kanunu* (CMUK.)

Code of Civil Procedure: *Hukuk Usulü Muhakemeleri Kanunu* (HUMK.)

Execution, Enforcement of Judgments, and Bankruptcy Code: *İcra ve İflas Kanunu* (İİK.)

Code of Administrative Trial Procedure: *İdari Yargılama Usulü Kanunu* (İYUK.)

Civil Code: *Medeni Kanun* (MK.)

Turkish Penal Code: *Türk Ceza Kanunu* (TCK.)

Turkish Commercial Code: *Türk Ticaret Kanunu* (TTK.)

3.0 Jurisprudence

Cite cases by name of the court, chamber number, the words “Esas No.” (Case No.), year and number of the case, the words “Karar No.” (Judgment No.), year and number of the judgment, and the reporter in which the case is published by title, year, number and page referenced (in parentheses). Elements may be abbreviated as shown below the full citations:

Danıştay 7. Daire, Esas No. 1987/501, Karar No. 1987/1471 (Danıştay Dergisi, 1988, sayı 68-69, sayfa 476) [Council of State Journal, 1988, No. 68-69, p. 476].

DS. 7. D., E. 1987/501, K. 1987/1471 (DD, 1988, S. 68-69, s. 476).

3. Hukuk Dairesi, 15.9.1986, Esas No. 7949, Karar No. 8017 (Yargıtay Kararları Dergisi, 1986 sayı 11, sh.1616) [Court of Cassation Journal, 1986, No. 11, p. 1616].

3. HD. 15.9.1986, E 7949, K 8017 (YKD, 1986, s.11 sh.1616).

3.1 Reporters

The official reporters (and abbreviations) are:

Constitutional Court Journal: *Anayasa Mahkemesi Kararları Dergisi* (AMKD)

Council of State Journal: *Danıştay Dergisi* (DD)

Court of Cassation Journal: *Yargıtay Kararları Dergisi* (YKD)

3.2 Courts

3.2.1 Superior Courts

Constitutional Court: *Anayasa Mahkemesi*
Court of Appeals
Council of State: *Danıştay*
Military Tribunal of Appeals
Supreme Military Administrative Court: *Askeri Yüksek İdare Mahkemesi*
Court of Jurisdictional Dispute
Court of Accounts
Supreme Council of Judges and Public Prosecutors

3.2.2 Courts of Justice

Civil Courts of Peace: *Sulh Hukuk Hakimliği*
Civil Courts of First Instance: *Asliye Hukuk Hakimliği*
Commercial Courts: *Asliye Ticaret Mahkemesi*
Criminal Courts of the Peace: *Sulh Ceza Hakimliği*
Criminal Courts of First Instance: *Asliye Ceza Hakimliği*
Aggravated Felony Courts: *Ağır Ceza Mahkemesi*
State Security Courts: *Devlet Güvenlik Mahkemesi*
Execution Investigation Authority: *İcra Tetkik Hakimliği*
443 Land registration and survey courts: *Cadastré*

3.2.3 Administrative Courts

The Council of State: *Danıştay*
Administrative Courts and Tax Courts: *İdare ve Vergi Hukuku Mahkemeleri*
Supreme Military Administrative Court: *Askeri Yüksek İdare Mahkemesi*

3.2.4 Military Courts

Military Criminal Courts: *Askeri Ceza Mahkemesi*
The Military Criminal Court of Cassation: *Askeri Yargıtay*

4.0 Books

Cite books by name of the author(s), title (in bold face), place and date of publication and publisher (in parentheses), and page referenced:

Mümtaz Soysal, **100 Soruda Anayasanın Anlamı** (İstanbul, 1968: Gerçek Yayınevi), s.184-85.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s), title of the article (in quotation marks), and the periodical in which the article is published by title (in bold face), volume, number, date and page referenced:

Lutfi Duran, “Anayasa Mahkemesine Göre Türkiye’nin Hukuk Düzeni”, **Amme İdaresi Dergisi**, c.19,sayı 1 (Mart 1986).

Hikmet Sami Türk, “Nasıl Bir Seçim Sistemi?”, **Ankara Üniversitesi Hukuk Fakültesi Dergisi**, c.36, sayı 1-4, (1979), s. 81-82.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by the name of the author, title of the article, title of the publication (in bold face), and date:

Kazım Yenice, “Meclis Başkanına ve Milletvekillerine Düşen Görev”, **Cumhuriyet**, 12.7.1990.

Mümtaz Soysal, “Gidişat ve Sonrası”, **Milliyet**, 25 Mart 1989.

7.0 Official Publications

Cite official publications by title, date, item number, and page referenced:

R.G. 28.10.1987, sa. 19618 s.8.

The Official Gazette (Resmi Gazete, R.G.) contains all legislation, as well as the decisions of the Constitutional Court (*Anayasa Mahkemesi*), the Council of State (*Danıştay*), and the Court of Cassation (*Yargıtay*).

8.0 Unpublished Materials

Cite unpublished materials by name of the author(s), title (in bold face), indication that the material is unpublished, author’s title, place and date of writing (in parentheses), and page referenced:

Süheyl Batum, “**Avrupa İnsan Hakları Sözleşmesi ve Türk Anayasal Sistemine Etkileri**”, (yayınlanmamış doçentlik tezi; İstanbul, 1990), s. 3-10.

9.0 Citation of Electronic Material

No information is available.

10.0 Unwritten Sources

Cite unwritten sources by title, date, and source:

“Türkiye Cumhuriyeti Devlet Başkanı Orgeneral Kenan Evren” in Yeni Anayasayı Devlet Adına Resmen Tanıtma Programı Gereğince Yaptığı Konuşmalar”, (24 Ekim – 5 Kasım 1982) (Ankara 1982: TBMM Basımevi).

III. SELECTED REFERENCES

TUĞRUL ANSAY & DON WALLACE JR., INTRODUCTION TO TURKISH LAW (Kluwer 3d ed. 1987).

BERNARD LEWIS, THE EMERGENCE OF MODERN TURKEY (Oxford University Press 1968).

ERGUN ÖZBUDUN, TÜRK ANAYASA HUKUKU (Yetkin Yayınları 1993).

MICHAEL N. SCHMITT & MEHMET NUR TANIŞIK, TURKISH LABOR LAW (Transnational Publishers 1995).

UNITED KINGDOM

I. COUNTRY PROFILE (Common Law)

The United Kingdom is a constitutional monarchy comprised of Great Britain and Northern Ireland. Great Britain consists of the countries of England, Scotland, and Wales. Each region is further subdivided into various municipalities, counties, and parliamentary constituencies. The United Kingdom's official language is English. Its legal system is based primarily on the common law tradition, although some parts include elements of the civil law tradition. The United Kingdom is a Member State of the European Union.

The United Kingdom does not have a written constitution. Its constitutional law is based partially on common law and practice and partially on statutory sources such as the Magna Carta, the Bill of Rights, the Union with Scotland Act, and the European Communities Act.

Executive power is vested in the Government. The Sovereign, who is determined by a hereditary monarchy, is head of state, although this role is largely ceremonial. The Prime Minister, who is head of the Government, is appointed by the Sovereign Head of State from among the Members of the House of Commons. Typically the Prime Minister is the leader of the majority party or coalition. Members of the Cabinet of Ministers are appointed by the Prime Minister.

Legislative power is vested in the bicameral Parliament, which consists of the House of Commons and the House of Lords. The 659 Members of the House of Commons are directly elected by the people to five-year terms. Members of the House of Lords, none of whom are elected by the people, include approximately 500 life peers, ninety-two hereditary peers, and twenty-six clergy. The Prime Minister may ask the monarch to dissolve Parliament and call a general election at any time. Formally, legislation, which is proposed by the Government, must be approved by both Houses of Parliament and must receive Royal assent. In reality, legislative power is exercised almost exclusively by the House of Commons.

Judicial power is vested in the courts. However, the United Kingdom has three separate and distinct legal systems, rather than a single unified system. England and Wales have a common law system, which incorporates a system of equity administered by the Court of Chancery. Although power has been devolved to Wales, its legal system is not distinct from that of England. Scotland has a mixed legal system, deriving principles from both Roman and English law. Finally, Northern Ireland has a legal system somewhat different from that of England, including removal of the right to trial by jury for certain terrorist offenses.

The courts include the House of Lords, the Supreme Courts of England, Wales, and Northern Ireland, and Scotland's Court of Session and Court of the Justiciary. The House of Lords' legal functions are separate from its legislative functions. The Appellate Committee of the House of Lords is the final court of appeal in the United Kingdom and is composed of the Lord Chancellor and Lords of Appeal in the Ordinary. It hears civil and criminal appeals from the Court of Appeal in England and Wales and Northern Ireland, and civil appeals from the Court of Session in Scotland. Cases are heard by up to thirteen judges, or Law Lords.

The Supreme Courts of England, Scotland, and Wales are comprised of Courts of Appeal, High Courts of Justice, Crown Courts, and Magistrates' Courts. The Civil Divisions of the Courts of Appeal hear appeals from decisions of the High Courts and County Courts. The High Courts consist of three divisions: Chancery Courts, Family Courts, and Queen's Branch. The High Courts are courts of general civil jurisdiction. The High Courts sometimes hear appeals

from decisions of the County Courts. The Magistrates' Courts and County Courts exercise limited civil jurisdiction.

Criminal jurisdiction is exercised in the first instance by Magistrate Courts, in summary trials, and the Crown Courts, in jury trials. Appeal may be had to the High Court (Queen's Bench) or the Criminal Divisions of the Courts of Appeal.

The Judicial Committee of the Privy Council hears appeals from courts in United Kingdom Overseas Territories, a few Commonwealth countries, and the Channel Islands and the Isle of Man. It also hears admiralty and ecclesiastical matters and professional disciplinary proceedings.

In recent years, many governmental powers have devolved to the regions. National legislation reestablished the Scottish Parliament, created the Northern Ireland Assembly, and granted each body legislative competence over local affairs. Similarly, a National Assembly for Wales has been created and vested with governmental powers. Certain powers, including defense and foreign affairs, however, are reserved and continue to reside with the House of Commons.

Internet Resources:

Parliament (United Kingdom) http://www.parliament.uk	House of Lords judgments, from Nov. 1996 http://www.parliament.the-stationery-office.co.uk/pa/ld1/ldjudinf
Northern Ireland Assembly http://www.ni-assembly.gov.uk	Acts of UK Parliament http://www.hmso.gov.uk/acts.htm
Scottish Parliament http://www.scottish.parliament.uk	Statutory Instruments (regulations) http://www.hmso.gov.uk/stat.htm
National Assembly of Wales http://www.wales.gov.uk	Courts in England and Wales http://www.courtsservice.gov.uk
Government Information Service http://www.open.gov.uk	UK Official Publications http://www.official-documents.co.uk
Lord Chancellor's Department: http://www.open.gov.uk/lcd	

II. CITATION GUIDE

There is no uniform code of citation in the United Kingdom. The following represents a number of widely accepted citation norms. However, common abbreviations (chapter, section, etc.) may vary.

1.0 Constitution

The United Kingdom has no single written constitution. Instead, constitutional law is contained in a series of documents and in common law. The most important of those documents are:

- The Magna Carta of Edward 1 (1297), 25 Edw. 1.
- The Petition of Right (1627), 3 Car. 1, c.1.
- The Bill of Rights (1688 or 1689), 1 Will. & Mary, sess.2, c.2.
- The Act of Settlement (1700 or 1701), 12 & 13 Will. 3, c. 2.
- The European Communities Act 1972.
- The Human Rights Act 1998.

2.0 Legislation

Cite a statute by short title, year, chapter number, section, and subdivisions referenced (in parentheses):

Companies Act 1985, c.6, s.6 (ii)(b)(iii).

Short titles may be abbreviated, if used repeatedly in legal writing. Usually the title of the Act is replaced by its initials, which should be indicated as follows when first used:

Companies Act 1989 (CA 1989).

Older legislation may not have short titles. Thus, cite statutes enacted before 1962 by regnal year, chapter number, section, common name or a description of its subject matter, and year:

24 Geo. 2 c.24 (Minority of Successor to Crown) (1750), s.23 (repealed).

1 Edw. 6 c.11 (Repeal of 28 Hen. 8 c.17) (1547).

Obscene Publications Act 1959, 7 & 8 Eliz. 2, c.66.

2.1 Statutory Instruments

Cite statutory instruments by full title, "SI", and year and number [year/number]:

Sex Discrimination Act 1975 (Application to Armed Forces etc) Regulations 1994, SI 1994/3276.

2.2 Treaties and Conventions

Cite a treaty or convention as described in Section 1.0 on Treaties and Conventions (on page 266), filling in the source information with the British treaty series by year, abbreviated title (Gr. Brit. T.S.), treaty number, and Command number:

[Treaty information], 1950 Gr. Brit. T.S. No. 1 (Cmnd. 40), [date of entry, etc.].

3.0 Jurisprudence

3.1 Unreported Cases

Cite unreported cases by name of the parties [Claimant/Appellant v. Defendant/Respondent] (underlined), "(unreported)", name of court or tribunal, date of decision and transcript number (if available):

Smith v. Jones (unreported) Court of Appeal (Civil Division) 3rd August 1993.

3.2 Reported Cases

Cite reported cases by name of the parties [Claimant/Appellant v. Defendant/Respondent] (underlined), volume number (usually indicated by a year in square brackets), reporter in which the case is published by abbreviated title and page on which the case begins, court (if not evident from title of the reporter) (in parentheses), and page referenced:

Ebrahimi v. Westbourne Galleries Ltd [1973] A.C. 360 (HL (E.)).

Simmonds v. The Queen [1998] A.C. 286 (P.C.).

Mainwaring v. Trustees of Henry Smith's Charity [1998] Q.B. 1 (C.A.).

Cobra Golf Inc. v. Rata [1998] Ch. 109.

Ebrahimi v Westbourne Galleries Ltd [1973] A.C. 360 (HL (E.)) at pp.361-3.

Note: If the volume is indicated by a reference number and not the year, the year is enclosed in parentheses.

For criminal cases, the usual form is the Crown (abbreviated R., Rex or Reg.) v. Defendant:

R. v. Lynch [1966] 50 Cr. App. R. 59.

3.3 Reports

There is no official law reporter in England. For cases prior to 1865, it is customary to cite the English Reports (E.R.). After 1865, cases should be cited to the Law Reports or Weekly Law Reports, which are produced by the Incorporated Council of Law Reporting in England and Wales.

The abbreviations of major Law Reports are:

House of Lords, Privy Council and Appeals Division Cases (A.C.)
Chancery Division Cases (Ch.)
Queens Bench Division (Q.B.)
King's Bench Division (K.B.)
Family Division (Fam.)

The following commercially published Reports are also available:

Weekly Law Reports (W.L.R.)
All England Law Reports (All E.R.)
Law Journal Reports (L.J.R.)
Law Times Reports (L.T.)

Note: In recent years, it has become the practice in England for cases relating to a specific area of the law to be reported in a special related reporter (*e.g.*, Butterworths Company Law Reports

(BCLC)). In such circumstances, it is permissible to cite the case in this reporter if it is not contained in the Law Reports.

3.4 Judges' names

Traditionally, references to extracts from the decision of a judge are identified by appending the word "per" and name of the judge to the end of the citation:

J.H. Rayner (Mincing Lane) Ltd. v Department of Trade and Industry [1990] 2 A.C. 418 per Lord Templeman at pp. 479-80.

It is customary to cite the judge's position as it was at the time that the decision was published:

Mr./Mrs. Justice: The Honourable Mr./Mrs. Justice (High Court)

Lord Justice: The Right Honourable Lord Justice (Appeal Court)

His/Her Honour: His/Her Honour Judge (Circuit Judge – Crown Court and County Court)

4.0 Books

Cite books by name of the author(s) [family name, first name], title (underlined), volume number, edition, place of publication, publisher, year, and number of pages (optional):

Walmsley, Keith, ed. Butterworths Company Law Handbook. 12th ed. London: Butterworths, 1998.

5.0 Articles in Periodicals

Cite articles in periodicals by name of the author(s) [family name, first name], title of the article (in quotation marks), and the periodical in which the article is published (underlined) by year (in parentheses), volume number, abbreviated title, and first page of the article:

Sealy, Len "No relief for the minority shareholder" (1995) 16 Co. Law 178.

6.0 Newspapers and Weekly Journals

Cite articles in newspapers and weekly journals by the title of the article (in quotation marks), title of the publication (underlined), and date:

"Company law in need of renovation" The Lawyer 22 March 1999.

7.0 Official Publications

There are many types of official publications. Generally, cite them by title, date, and relevant reference:

HL Hansard, 6 November 1989, Col.521.

8.0 Unpublished Materials

There are no special rules for unpublished materials.

9.0 Citation of Electronic Material

There is no general rule for electronic materials. Cite in a manner consistent with the rules above. In addition, cite the electronic database or the location on the internet.

10.0 Unwritten Sources

Cite interviews, talks broadcast by radio or television, speeches or lectures by the name of the person speaking, their title, nature of the source, place, date, and hour (optional).

III. SELECTED REFERENCES

A. BRADLEY, & K. EWING, CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW (Longman 12th ed., London 1998).

ROGER BIRD, OSBORN'S CONCISE LAW DICTIONARY (Sweet & Maxwell 7th ed., London 1983).

HALSBURY'S LAWS OF ENGLAND (Lord Hailsham ed., Butterworths 4th ed., London 1996).

UNITED STATES OF AMERICA

I. COUNTRY PROFILE (Common Law)

The United States is a federal republic comprised of fifty States and the District of Columbia. Each state is subdivided into local governmental units. The District of Columbia, which is not a State, is a special self-governing district with its own courts and is also subject to the jurisdiction of federal courts. Although the vast majority of its citizens speak English, the United States does not have an official language. The United States' legal system is based on the common law tradition.

The Constitution, which entered into force on March 4, 1789, establishes the form of government. Constitutional amendments may be proposed by a two-thirds vote of both Houses of Congress or by a majority vote of two-thirds of the state legislatures. The amendment must be ratified either by majority vote in three-quarters of the state legislatures or by constitutional conventions in three-quarters of the states. Each proposed amendment must specify the method of ratification.

Executive power is vested in the President, who is both head of state and the head of the Government. The President is elected by a college of representatives to a four-year term, which is renewable once. Members of the college of representatives are elected directly by the people of each state; traditionally, they vote for the candidate who wins a majority of the votes in their state. Members of the Cabinet are appointed by the President with the approval of the Senate.

Legislative power is vested in the bicameral Congress, which is comprised of the House of Representatives and the Senate. The 435 Members of the House of Representatives represent districts within each State. The number of districts in a State is based on the State's population. Members are directly elected by the people in each district to two-year terms. The Senate consists of two Members from each State. Members are directly elected by the people of each State to six-year terms. One-third of the Members of the Senate stand for election every two years. Legislation may be introduced in either chamber of Congress by a Member of that Chamber. Legislation must be passed by majority vote in each chamber and must be signed into law by the President. Congress may override a presidential veto by a two-thirds majority vote of both chambers.

Federal judicial power is vested in the federal courts. Federal judges are nominated by the President and confirmed by the Senate for life terms. The trial courts of first instance are called District Courts. Each state includes one or more federal districts. The first level courts of appeal are the eleven Circuit Courts of Appeals. Additionally there is a District of Columbia Circuit Court and a Federal Circuit Court, the latter of which has jurisdiction over only specific claims based in federal law. Decisions of the circuit courts are binding precedent within their circuit, though not within other circuits. The Supreme Court is the highest court of appeal and its precedents bind all lower and state courts. It consists of nine Justices, including the Chief Justice. The Supreme Court reviews decisions of District Courts, Courts of Appeals, and highest state courts upon application and at its own discretion.

Each state has its own executive branch, legislature, and court system. Powers not granted to the federal government by the Constitution remain with the States, although state and federal powers often overlap.

Internet Resources:

General information

<http://www.fedworld.gov>

<http://www.loc.gov>

Executive branch

<http://www.whitehouse.gov>

Judicial branch

<http://www.uscourts.gov>

Legislative branch

<http://www.house.gov>

<http://www.senate.gov>

<http://thomas.loc.gov>

State and local

<http://www.loc.gov/global/state/stategov.html>

II. CITATION GUIDE

There is no uniform code of citation in the United States. Nonetheless, the uniform system of citation contained in The Bluebook is rigorously adhered to in legal writing.

1.0 Constitution

Cite the Constitution by abbreviated title (in small caps), and subdivisions referenced:

U.S. CONST. art. II, § 4, cl. 1.

U.S. CONST. amend. XVIII (repealed 1933).

Each state has its own constitution which is cited in the same form as above, but substitute the state abbreviation (listed below in part 2.1) for “U.S.”

2.0 Legislation

Cite statutes by official or unofficial code or official session laws:

Cite official codes by chapter, “U.S.C.,” section, and year (in parentheses):

28 U.S.C. § 1350 (1948).

Cite unofficial codes by chapter, “U.S.C.A.,” section and year (in parentheses):

28 U.S.C.A. § 1350 (1948).

Cite official sessions laws by title, number, subdivision referenced, and the reporter in which the law is published by volume, abbreviated title, first page of the law, page referenced, and year (in parentheses):

Alien Tort Claims Act of 1948, Pub. L. No. 220, § 4, 62 Stat. 869, 870 (1948).

Cite state laws in a similar manner:

N.H. REV.STAT.ANN. § 1:15 (1973).

1989 N.H. Laws 938.

2.1 State and Territory Abbreviations

Alabama (Ala.)	Hawaii (Haw.)	Missouri: (Mo.)	Puerto Rico (P.R.)
Alaska (Alaska)	Idaho (Idaho)	Montana (Mont.)	Rhode Island (R.I.)
American Samoa (Am. Sam.)	Illinois (Ill.)	Nebraska (Neb.)	South Carolina (S.C.)
Arizona (Ariz.)	Indiana (Ind.)	Nevada (Nev.)	South Dakota (S.D.)
Arkansas (Ark.)	Iowa (Iowa)	New Hampshire (N.H.)	Tennessee (Tenn.)
California (Cal.)	Kansas (Kan.)	New Jersey (N.J.)	Texas (Tex.)
Colorado (Colo.)	Kentucky (Ky.)	New Mexico (N.M.)	Utah (Utah)
Connecticut (Conn.)	Louisiana (La.)	New York (N.Y.)	Vermont (Vt.)
Delaware (Del.)	Maine (Me.)	North Carolina (N.C.)	Virgin Islands (V.I.)
Washington, D.C. (D.C.)	Maryland (Md.)	North Dakota (N.D.)	Virginia (Va.)
Florida (Fla.)	Massachusetts (Mass.)	Ohio (Ohio)	Washington (Wash.)
Georgia (Ga.)	Michigan (Mich.)	Oklahoma (Okla.)	West Virginia (W.Va.)
Guam (Guam)	Minnesota (Minn.)	Oregon (Or.)	Wisconsin (Wis.)
	Mississippi (Miss.)	Pennsylvania (Pa.)	Wyoming (Wyo.)

2.2 Treaties and Conventions

Cite a treaty as described in Section 1.0 on Treaties and Conventions (on page 266) by filling in the source information with a United States Treaty source:

[Treaty name], 10 U.S.T. 100, [date of entry, etc.].

Official United States Treaty Sources, and citation standards, are:

United States Treaties and Other International Agreements: volume, “U.S.T.”, first page, page referenced
Statutes at Large (index at 64 Stat. B1107): volume, “Stat.”, first page, page referenced.
Treaties and Other International Acts Series: “T.I.A.S.” and treaty number (“No. _”)
Treaty Series: “T.S.” and treaty number (“No. _”)
Executive Agreement Series: “E.A.S.” and agreement number (“No. _”)
Senate Treaty Documents: “S. Treaty Doc.” and document number (“No. _”)
Senate Executive Documents: “S. Exec. Doc.” and document number (“No. _”)

3.0 Jurisprudence

Cite cases by the name of the parties [Plaintiff/Appellant “v.” Defendant/Respondent], reporter in which the case is published by volume, abbreviated title, first page of the case, and page referenced, and abbreviated name of the court (if not clear from the title of the reporter), and year (in parentheses):

Smith v. Jones, 889 F. Supp. 45, 50 (D.N.H. 1998).

Smith v. Jones, 874 F.2d 998, 1000 (1st Cir. 1973).

Smith v. Jones, 74 S.Ct. 199, 203 (1955).

3.1 Courts

Federal courts and abbreviations are as follows:

Supreme Court:

No abbreviation is used. Court is indicated by reporter (most commonly “U.S.” or “S. Ct.”).

Circuit Courts:

Abbreviate by number and “Cir.,” *e.g.*, 1st Cir., 2d Cir., 3d Cir., etc.

Federal Circuit: Fed. Cir.

District of Columbia Circuit: D.C. Cir.

Federal District Courts

District of [state]: (D.[state abbrev.])

Northern District of [state]: (N.D. [state abbrev.])

Southern District of [state]: (S.D. [state abbrev.])

Eastern District of [state]: (E.D. [state abbrev.])

Western District of [state]: (W.D. [state abbrev.])

3.2 Reports

Federal District Court and Circuit Court decisions are published in Westlaw’s Federal Reporters, a private publication that is denoted by series (*e.g.*, “F.2d” for Second Series; “F. Supp.” for Federal Supplement).

The Supreme Court has two reporters, one abbreviated “U.S.,” which is the preferred form and the other abbreviated “S. Ct.” Often both reporters are cited.

3.3 State Cases

State Court decisions are reported in both state and regional reporters, which vary by state. The court abbreviations also vary by state, as each state has a different judicial hierarchy.

Smith v. Jones, 200 Mass. 345, 350 (Mass. 1945).

Smith v. Jones, 343 A.2d 589, 592 (Mass. 1945).

3.4 Subsequent Citations

Generally, subsequent citations to a case include only the name of the first party (although the second party is used if the first party is a common party) (italicized), and reporter in which the case is published by volume, abbreviated title and page referenced:

Smith, 115 U.S. at 304.

Note: The first name of the title is not used when it refers to a government party or other common litigant. In such cases, use the opposing litigant’s name.

4.0 Books

Cite books by name of the author(s) (in small caps), volume (if any) title (in small caps), serial number (if any), page and section or paragraph referenced, editor and translator (if any) (in parentheses), and edition (if multiple editions), publisher (if necessary) and date (in parentheses):

BOUTROS BOUTROS-GHALI, AN AGENDA FOR PEACE 119 (2d ed. 1995).

W. PAGE KEETON ET AL., PROSSER AND KEETON ON THE LAW OF TORTS §33, at 203 (5th ed. 1984).

CLAUDE E. WELCH, JR., PROTECTING HUMAN RIGHTS IN AFRICA 91 (1995).

5.0 Articles in Periodicals

Cite articles in consecutively paginated journals by name of the author(s), title of the article (italicized), and the journal in which the article is published by volume, abbreviated title (in small caps), first page of the article, page referenced, and year (in parentheses):

Menacham Elon, *Law, Truth, and Peace: "The Three Pillars of the World"*, 29 N.Y.U. J. INT'L L. & POL. 439, 445 (1997).

6.0 Newspapers and Weekly Journals

Cite articles in weekly journals by name of the author(s), title of the article (italicized), title of the publication (in small caps), date, first page, and page referenced:

Joseph Nye, *As China Rises, Must Others Bow?*, ECONOMIST, June 27-July 3, 1998, at 23, 25.

Cite articles in newspapers in the same form as weekly journals, but refer to section as well as page number:

Deborah Sontag, *A Handshake Becomes More Than a Symbol*, N.Y. TIMES, Feb. 10, 1999, at A8.

7.0 Official Publications

Cite official publications by type of publication or title, volume, abbreviated title of the reporter, page or section, and year (in parentheses):

Treas. Reg. § 1.455-5(a) (1960).

Airbag Disabling, 19 C.F.R. § 349 (1997).

Most agency regulations are to be found in the Code of Federal Regulations (C.F.R.).

8.0 Unpublished Materials

Cite unpublished materials by name of author(s) [first name, middle initial, family name], title or description, page referenced, date, and location of publication:

Stanley L. Chop, *The Dangers of Bulletin Boards*, 114 (1980) (unpublished thesis, New York University) (on file with New York University Library).

Ronald S. Cass, *Economics and International Law*, 29 N.Y.U. J. INT'L L. & POL. (forthcoming Summer 1997).

9.0 Citation of Electronic Material

Unless the original document is difficult to find, it is unnecessary to cite to electronic databases in addition to the conventional citation. If the sources are newly decided cases not yet available in print form, a citation to the electronic database is appropriate, including docket number and database identifier in addition to court and date:

Jones v. Smith, No. 89-9358905, 1990 WL 93958, at *6 (7th Cir. Dec. 9, 1990).

Cite other materials in normal form followed by the words “available at” (italicized) and a reference to the electronic source:

Chelsea is a Cover Girl, SACRAMENTO BEE, Feb. 4, 1999, *available at* WESTLAW, Allnews file.

10.0 Unwritten Sources

Cite interviews and speeches by name of the person interviewed, position, location of interview, and date (in parentheses):

Interview with Kevin Delaney, President of XYZ Corp., in New York, N.Y. (Feb. 8, 1998).

III. SELECTED REFERENCES

THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Harvard Law Review Ass'n et al. eds., 17th ed. 2000).

THOMAS R. DYE, *POLITICS IN AMERICA* (2d ed. 1997).

ALFRED HINSEY KELLY, *AMERICAN CONSTITUTION: ITS ORIGINS AND DEVELOPMENTS* (7th ed. 1991).

THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES (James W. Ely et al. eds., 1992).

WALTER VOLKOMEN & CAROLYN D. SMITH, *AMERICAN GOVERNMENT* (8th ed. 1997).

UNITED NATIONS & INTERNATIONAL COURT OF JUSTICE

I. ORGANIZATION PROFILE

In the aftermath of World War II, in 1945, representatives of fifty countries met in San Francisco at the United Nations Conference on International Organization to draw up the United Nations Charter. Those delegates deliberated on the basis of proposals worked out by the representatives of China, the Soviet Union, the United Kingdom, and the United States at Dumbarton Oaks, United States from August to October 1944. The Charter was signed on June 26, 1945 by the representatives of the fifty countries. Poland, which was not represented at the Conference, signed it later and became one of the original fifty-one Member States.

The United Nations (UN) officially came into existence on October 24, 1945, after the Charter had been ratified by China, France, the Soviet Union, the United Kingdom, the United States, and by a majority of other signatories. The UN is currently composed of 191 sovereign States, representing almost every country in the world.

Member States of the United Nations agree to accept the obligations of the UN Charter, an international treaty that sets out basic principles of international relations. According to the Charter, the UN has four purposes: to maintain international peace and security, to develop friendly relations among nations, to cooperate in solving international problems and in promoting respect for human rights, and to be a center for harmonizing the actions of nations.

The United Nations and its family of agencies are engaged in a vast array of work that touches every aspect of people's lives around the world from maintaining peace and security, promoting democracy, promoting self-determination and independence, and strengthening international law to child survival and development, environmental protection, human rights, health and medical research, alleviation of poverty and economic development, agricultural development and fisheries, education, providing emergency and disaster relief, regulating air and sea travel, promoting peaceful uses of atomic energy, and labor and workers' rights.

The United Nations has six main organs. Five of them—the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, and the Secretariat—are based at UN Headquarters in New York. The sixth, the International Court of Justice, is located at The Hague in the Netherlands.

All UN Member States are represented in the General Assembly, a “parliament of nations,” which considers pressing international concerns. Each Member State has one vote. Decisions on such key issues as international peace and security, admitting new members and the UN budget are decided by two-thirds majority. Other matters are decided by simple majority. In recent years, a special effort has been made to reach decisions through consensus, rather than by taking a formal vote.

The UN Charter gives the Security Council primary responsibility for maintaining international peace and security. The Council may convene at any time, whenever peace is threatened. Under the Charter, all Member States are obligated to carry out the Council's decisions. The Security Council is comprised of fifteen members. The five permanent members—China, France, the Russian Federation, the United Kingdom, and the United States—may veto any proposal brought before the Council. The ten non-permanent members are periodically elected by all Member States for a two-year term. When the Council considers a threat to international peace, it first explores ways to settle the dispute peacefully. It may suggest principles for a settlement or undertake mediation. In the event of fighting, the Council attempts

to secure a ceasefire. It may send a peacekeeping mission to help the parties maintain the truce and to keep opposing forces apart. The Council can take measures to enforce its decisions. It can impose economic sanctions or order an arms embargo. On rare occasions, the Council has authorized Member States to use “all necessary means,” including collective military action, to see that its decisions are carried out. The Council also makes recommendations to the General Assembly on the appointment of a new Secretary-General and on the admission of new Member States to the UN.

The Economic and Social Council, under the authority of the General Assembly, coordinates the economic and social work of the United Nations and the UN family of organizations. As the central forum for discussing international economic and social issues and for formulating policy recommendations, the Council plays a key role in fostering international cooperation for development. It also consults with non-governmental organizations, thereby maintaining a vital link between the United Nations and civil society. The Council has fifty-four members, elected by the General Assembly for three-year terms. It meets throughout the year and holds a major session each July, during which a special meeting of Ministers discusses major economic, social and humanitarian issues. The Council's subsidiary bodies meet regularly and report back to it. The Commission on Human Rights, for example, monitors the observance of human rights throughout the world. Other bodies focus on such issues as social development, the status of women, crime prevention, narcotics, and environmental protection. Five regional commissions promote economic development and cooperation in their respective regions.

The Trusteeship Council was established to provide international supervision for eleven Trust Territories administered by seven Member States and to ensure that adequate steps were taken to prepare the Territories for self-government or independence. By 1994, all Trust Territories had attained self-government or independence, either as separate States or by joining neighboring independent countries. The last to do so was the Trust Territory of the Pacific Islands—Palau—which was administered by the United States and became the 185th Member State. Its work completed, the Trusteeship Council now consists of the five permanent members of the Security Council. It has amended its rules of procedure to allow it to meet as and when the occasion may require.

The International Court of Justice, also known as the World Court, is the main judicial organ of the UN. Consisting of fifteen judges elected jointly by the General Assembly and the Security Council, the Court decides disputes between countries. Participation by States in a proceeding is voluntary, but if a State agrees to participate, it is obligated to comply with the Court's decision. The Court also provides advisory opinions to the General Assembly and the Security Council upon request.

The Secretariat carries out the substantive and administrative work of the United Nations, as directed by the General Assembly, the Security Council, and the other organs. At its head is the Secretary-General, who provides overall administrative guidance. The Secretariat consists of departments and offices with a total staff of some 7,500 under the regular budget, and a nearly equal number under special funding. They are drawn from some 170 countries. Duty stations include UN Headquarters in New York, as well as UN offices in Geneva, Vienna, Nairobi and other locations.

The International Monetary Fund, the World Bank and twelve other independent organizations, known as specialized agencies, are linked to the UN through cooperative agreements. These agencies, among them the World Health Organization and the International Civil Aviation Organization, are autonomous bodies created by intergovernmental agreement.

They have wide-ranging international responsibilities in the economic, social, cultural, educational, health, and related fields. Some of them, like the International Labor Organization and the Universal Postal Union, are older than the UN itself. In addition, a number of UN offices, programmes and funds—such as the Office of the UN High Commissioner for Refugees (UNHCR), the UN Development Programme (UNDP) and the UN Children's Fund (UNICEF)—work to improve the economic and social condition of people around the world. They report to the General Assembly or the Economic and Social Council.

All these organizations have their own governing bodies, budgets and secretariats. Together with the United Nations, they are known as the UN family, or the UN system. Together, they provide technical assistance and other forms of practical help in virtually all economic and social areas. The specialized agencies and their mandates are:

ILO (International Labor Organization): Formulates policies and programs to improve working conditions and employment opportunities, and sets labor standards used by countries around the world.

FAO (Food and Agriculture Organization of the UN): Works to improve agricultural productivity and food security, and to better the living standards of rural populations.

UNESCO (UN Educational, Scientific and Cultural Organization): Promotes education for all, cultural development, protection of the world's natural and cultural heritage, international cooperation in science, press freedom, and communication.

WHO (World Health Organization): Coordinates programs aimed at solving health problems and the attainment of the highest possible level of health by all people. It works in such areas as immunization, health education, and the provision of essential drugs.

World Bank Group: Provides loans and technical assistance to developing countries to reduce poverty and advance sustainable economic growth.

IMF (International Monetary Fund): Facilitates international monetary cooperation and financial stability, and provides a permanent forum for consultation, advice and assistance on financial issues.

ICAO (International Civil Aviation Organization): Sets international standards for the safety, security and efficiency of air transport, and serves as the coordinator for international cooperation in all areas of civil aviation.

UPU (Universal Postal Union): Establishes international regulations for postal services, provides technical assistance, and promotes cooperation in postal matters.

ITU (International Telecommunication Union): Fosters international cooperation to improve telecommunications of all kinds, coordinates usage of radio and TV frequencies, promotes safety measures, and conducts research.

WMO (World Meteorological Organization): Promotes scientific research on the Earth's atmosphere and on climate change, and facilitates the global exchange of meteorological data.

IMO (International Maritime Organization): Works to improve international shipping procedures, raise standards in marine safety, and reduce marine pollution by ships.

WIPO (World Intellectual Property Organization): Promotes international protection of intellectual property and fosters cooperation on copyrights, trademarks, industrial designs, and patents.

IFAD (International Fund for Agricultural Development): Mobilizes financial resources to raise food production and nutrition levels among the poor in developing countries.

UNIDO (UN Industrial Development Organization): Promotes the industrial advancement of developing countries through technical assistance, advisory services, and training.

IAEA (International Atomic Energy Agency): An autonomous intergovernmental organization under the aegis of the UN, it works for the safe and peaceful uses of atomic energy.

Internet Resources:

United Nations http://www.un.org	United Nations Development Programme http://www.undp.org/
UN System Chart http://www.un.org/aboutun/chart.html	UN Educational, Scientific and Cultural Organization http://www.unesco.org
International Court of Justice http://www.icj-cij.org	Food and Agriculture Organization of the UN http://www.fao.org/
United Nations High Commissioner for Human Rights http://www.unhchr.ch	World Health Organization http://www.who.int/en/
UN High Commissioner for Refugees http://www.unhcr.ch	International Labor Organization http://www.ilo.org
International Criminal Court http://www.un.org/law/icc/index.html	World Bank http://www.worldbank.org/

II. CITATION GUIDE

1.0 Basic Treaties

1.1 UN Charter

Cite the U.N. Charter by title (in capital letters), and subdivisions referenced:

U.N. CHARTER, art.2, para.4.

1.2 Basic Treaties

See Section 1.0 on Treaties and Conventions (on page 266) for a citation guide to major multilateral treaties deposited with the UN.

2.0 Documents

The UN uses a document symbol system, used throughout this section, which is described in more detail beginning in section 2.3 below.

2.1 Official Documents

2.1.1 Security Council Resolutions (Security Council Official Record)

Formally, cite Security Council resolutions by resolution number [S.C. Res. #], source (the Security Council Official Record, abbreviated “U.N. SCOR”), volume title and section (if applicable), page referenced, U.N. document symbol, year of publication (in parentheses), and paragraph referenced (if necessary):

S.C. Res. 1141, U.N. SCOR, 52d Year, Resolutions and Decisions of the Security Council 1997, at 91, U.N. Doc. S/INF/53 (1999).

Alternatively, cite U.N. SCOR by volume, title, and page referenced. Also note that a descriptive title of the resolution may follow the number (in square brackets):

S.C. Res. 687, 46 U.N. SCOR at 200, U.N. Doc. S/RES/687 (1991).

S.C. Res. 743, 47 U.N. SCOR at 42, U.N. Doc. S/RES/743 (1992) [Establishing a United Nations Protection Force "Unprofor"].

Subsequently or informally, cite Security Council resolutions by number, date or year, and page or paragraph referenced:

S.C. Res. 487 (19 June 1981), para. 3.

See the note under 2.3.1.1 for information on the UN Document symbols for resolutions.

2.1.2 General Assembly Official Records

The same general rules apply to General Assembly resolutions that apply to Security Council resolutions (with a few exceptions noted in section 2.3.1.1 below). Note that the source in the General Assembly Official Record is abbreviated "U.N. GAOR".

Formally, cite General Assembly resolutions as follows:

G.A. Res. 183, U.N. GAOR, 52d Sess., Supp. No. 52, vol. I, at 157, U.N. Doc. A/52/49 (vol. I) (1999).

Formally, cite General Assembly resolutions in short form as follows:

G.A. Res. 183, 49 GAOR at 157, U.N. Doc. A/52/49 (1999).

Subsequently or informally, cite General Assembly resolutions as follows:

G.A. Res. 242 (22 Nov. 1967), p. 1, para. 1.

2.2 Official Record Documents other than Resolutions

Cite official record documents other than resolutions by title, and source [session number, "Session", "Supplement No.", and supplement number], volume (in parentheses), page referenced, UN Document symbol, and year (in parentheses).

Report of the Human Rights Committee, GAOR, 58th Session Supplement No. 40 (Vol. I), at 100, U.N. Doc. A/58/40 (2002).

2.2.1 UN Yearbooks

Cite material in the UN Yearbook by title of the document (if available), year or volume, abbreviated title of the yearbook (“UNYB”), page referenced, and UN Document symbol (optional):

1980 UNYB, pp.312–314.

1962 UNYB at 108.

2.2.2 Yearbook of the International Law Commission

Cite material in the Yearbook of the International Law Commission (YILC) by title or abbreviated title of the yearbook (“Yearbook of the ILC” or “YILC”), year (in parentheses), volume number (see Note below for explanation), part (if applicable), page number, and paragraph referenced (if applicable):

YILC (1979) Vol. II, Part 2, 115, para 3.

Note: Volume numbers correspond to the following materials:

Vol. I: Summary records of ILC meetings.

Vol. II: Reports of the ILC session to the GA.

2.2.3 Documents Not Published in Official Records

Cite to any official UN document not published in official records by name of author(s) [last name only] or source (include the session if appropriate), title (optional, in quotation marks), UN document symbol, date of issue [day, month, year] (in parentheses), and page and/or subdivision (“para.,” “s.,” etc.) referenced:

Pellet, “Eighth Report on Reservations to Treaties” A/CN.4/535 (27 May 2003), pp. 10-14, paras. 34-48.

2.3 Document Symbols

All UN documents are cited by a series of symbols (numbers and letters) separated by slashes which uniquely identify the document. The order of the symbols designates the source of the document with increasing specificity.

The general order of symbols is: parent organ (or special body), subsidiary body, type of document, and any modification(s) to the document.

Further information on Document Symbols beyond the scope of this manual is provided in Part III below.

2.3.1 Parent Organs

The major parent organs of the UN (and their symbols) are:

General Assembly:	A/...
Security Council:	S/...
Economic and Social Council:	E/...
Secretariat:	ST/...

2.3.1.1 A Note on Resolutions

The General Assembly (since 1976), Economic and Social Council (since 1978), and Security Council (since 1994) have incorporated session numbers into their document symbols (with the exception of resolutions and meeting records). Examples (followed by explanations in parentheses) include:

A/31/1 [General Assembly, 31st session, document no. 1].

E/1978/1 [Economic and Social Council, 1978 session, document no. 1].

S/1994/1 [Security Council, 1994 session, document no. 1].

2.3.1.1 Security Council Resolutions

Security Council Resolutions have been numbered consecutively since their inception.

2.3.1.2 General Assembly Resolutions

Resolutions from the 1st through 30th session were numbered consecutively from session to session. Cite by source (e.g., “A” for General Assembly), “RES”, resolution number, and session number (in Roman numerals) and year (optional) (in parentheses):

A/RES/3450 (XXX 1975).

For resolutions from the 31st (1976) to current session, resolution numbers start over each session. Cite by source, “RES”, session number, and resolution number:

A/RES/51/12.

2.3.2 Special Bodies

As an exception to the above principle, some bodies are cited as the first element in the document symbol but do not reflect a parent organ under which they exist. For example:

Committee on the Rights of the Child:	CRC/C/...
United Nations Development Programme:	DP/...
United Nations Conference on Trade and Development:	TD/...
United Nations Environment Programme:	UNEP/...

2.3.3 Subsidiary Bodies

The main types of subsidiary bodies are:

Ad hoc committee:	.../AC./...
Standing/permanent/main committee:	.../C./...
Commission:	.../CN./...
Conference:	.../CONF./...
Governing council:	.../GC./...
Preparatory committee:	.../PC./...
Subcommittee:	.../SC./...
Subcommission:	.../Sub./...
Working group:	.../WG./...

Note: A number after the period (in place of the “_”) may identify the subsidiary body more precisely.

2.3.4 Types of Documents

The main types of documents are:

Conference room paper:	.../CRP._
Information series (e.g., member rosters):	.../INF/...
Limited distribution (draft documents):	.../L._
Non-governmental org. statements:	.../NGO/...
Petitions:	.../PET/...
Security Council President Statements:	.../PRST/...
Verbatim records of meetings (proces-verbaux):	.../PV._
Restricted distribution (unless later derestricted):	.../R._
Resolutions:	.../RES/...
Summary records of meetings:	.../SR._
Working papers:	.../WP._

Note: A number after the period (in place of the “_”) identifies the document number. Document numbers may also be indicated solely by a number following the source information.

2.3.5 Symbol Suffixes (Modifications)

Addendum:	.../Add._
Official Alteration of a portion of an adopted formal text:	.../Amend._
Corrigendum (may not apply to all language versions):	.../Corr._
Revision (replacing texts previously issued):	.../Rev._
Summarized version:	.../Summary
Reissuance of a document for technical reasons:	... /...*

A number after the period (in place of the “_”) identifies the modified document number.

2.3.6 Various Examples

A/52/4 [General Assembly, 52d session, document no. 4.]

A/CN.4/AC.1/WP.2/Add.1 [General Assembly, International Law Commission, Ad Hoc Working Group on Diplomatic Protection, Working Paper no. 2, Addendum no. 1.]

2.3.7 Document Symbol List:

1st Committee of the General Assembly: **GA/DIS/**
2nd Committee of the General Assembly: **GA/EF/**
3rd Committee of the General Assembly: **GA/SHC/**
4th Committee of the General Assembly: **GA/SPD/**
5th Committee of the General Assembly: **GA/AB/**
6th Committee of the General Assembly: **GA/L/**
Administrative and Budgetary Committee of the General Assembly: **GA/AB/**
Administrative Committee on Coordination: **ECOSOC/**
Administrative Tribunal: **ORG/**
Advancement of Women: **WOM/**
Afghanistan: **AFG/**
Africa: **AFR/**
Africa (ECA): **REC/**
Africa-related activities: **AFR/**
AIDS: **AIDS/**
Appointments of the Secretary-General: **SG/A/**
Asia and the Pacific (ESCAP): **REC/**
Atomic Energy (IAEA): **IAEA/**
Biodiversity: **ENV/DEV/**
Biographical Notes: **BIO/**
Biological Weapons Review Conference: **DC/**
Cartography (Conference): **NR/**
CDP: **DEV/**
Central America: **CA/**
Centre on Human Settlements: **HAB/**
Charter (Committee): **L/**
Children (UNICEF): **ICEF/**
Civil and Political Rights (States Parties): **HR/**
Civil Service (Commission): **ORG/**
Climate Change: **ENV/DEV/**
Commission on Human Settlements: **HAB/**
Commission on Sustainable Development: **ENV/DEV/**
Committee for Development Planning: **DEV/**
Committee on Energy and Natural Resources for Development: **ENR/**
Committee on Relations with the Host Country: **HQ/**
Committee on the Inalienable Rights of the Palestinian People: **GA/PAL/**
Conference on Disarmament: **DCF/**
Conferences (Committee): **ORG/**
Credentials Committee: **GA/**
Crime Congresses: **SOC/CP/**
Crime Prevention (Commission): **SOC/CP/**
Criminal Justice: **SOC/CP/**
Daily Highlights: **DH/**
Debt: **ECO/**
Decolonization (Special Committee and Subcommittee): **GA/COL/**
Decolonization Issues: **GA/COL/**
Department of Economic and Social Affairs: **DEV/**
Department of Public Information: **PI/**
Deputy Secretary-General: **DSG/**
Deputy Secretary-General's Statements and Messages: **DSG/SM/**
Deputy Secretary-General's Travels: **DSG/T/**
DESA: **DEV/**
Desertification: **ENV/DEV/**
Development Fund for Women (UNIFEM): **WOM/**
Development Issues: **DEV/**
Development Planning (Committee): **DEV/**
Disarmament (Commission): **DC/**
Disarmament (Conference and Subsidiary Bodies): **DCF/**
Disarmament and International Security Committee of the General Assembly: **GA/DIS/**
Disarmament Issues: **DC/**
Disaster Relief: **IHA/**
Discrimination against Women (Committee): **WOM/**
Drug Control (Programme): **SOC/NAR/**
ECA: **REC/**
ECE: **REC/**
ECLAC: **REC/**
Economic and Financial Committee of the General Assembly: **GA/EF/**
Economic and Social Council: **ECOSOC/**
Economic Issues: **ECO/**
Economic, Social and Cultural Rights (Committee): **HR/**
Electronic Resources: **PI/**
Energy Committee: **ENR/**
Energy Issues: **EN/**
Environment (UNEP): **UNEP/**
Environment Issues: **ENV/DEV/**
ESCAP: **REC/**
ESCWA: **REC/**
Europe (ECE): **REC/**
External Debt: **ECO/**
Fifth Committee (Administrative and Budgetary) of the General Assembly: **GA/AB/**
First Committee (Disarmament and International Security) of the General Assembly: **GA/DIS/**
Fourth Committee (Special Political and Decolonization) of the General Assembly: **GA/SPD/**
General Assembly: **GA/**
General Assembly (President): **GA/SM/**
General Committee: **GA/**
Global Economy: **ECO/**
Guatemala Mission: **CA/**
Habitat: **HAB/**
Headquarters (UN): **HQ/**
High Commissioner (Human Rights): **HR/**
High Commissioner (Refugees): **REF/**
HIV/AIDS: **AIDS/**
Host Country Relations: **HQ/**
Human Rights (Commission and Subsidiary Bodies): **HR/CN/**
Human Rights (Committee): **HR/CT/**
Human Rights (High Commissioner): **HR/**
Human Rights Issues: **HR/**
Human Settlements (Commission, Centre, Issues): **HAB/**
Humanitarian Assistance: **IHA/**
IAEA: **IAEA/**
ICJ: **ICJ/**
ICSC: **ORG/**
ILC: **L/**
INCB: **SOC/NAR/**
Indian Ocean Committee: **GA/IO/**
Information (Committee, DPI): **PI/**
INSTRAW: **WOM/**
International Atomic Energy Agency: **IAEA/**
International Court of Justice: **ICJ/**
International Criminal Court: **L/**
International Humanitarian Assistance: **IHA/**
International Law Commission: **L/**
International Narcotics Control Board: **SOC/NAR/**
International Seabed Authority: **SEA/**
International Terrorism (Committee): **L/**
International Trade: **ECO/**
International Trade Law (Commission): **L/**
International Tribunal (Former Yugoslavia): **L/**
International Tribunal (Law of the Sea): **SEA/**
International Tribunal (Rwanda): **L/**
Internet: **PI/**
Iraq-Kuwait Situation: **IK/**
Israeli Practices (Committee): **HR/**
Latin America and the Caribbean (ECLAC): **REC/**
Law of the Sea: **SEA/**
Legal Committee of the General Assembly: **GA/L/**
Legal Issues: **L/**
Meetings Schedules: **ORG/**
MINUGUA: **CA/**
Narcotic Drugs (Commission): **SOC/NAR/**
Natural Disasters: **IHA/**
Natural Resources: **NR/**
Natural Resources Committee: **ENR/**
New Agenda for the Development of Africa: **AFR/**
NGOs: **NGO/**
Non-Governmental Organizations (Committee): **NGO/**
Note to Correspondents: **Note No.**
NPT Review Conference: **DC/**
Observances: **OBV/**
Organizational Issues: **ORG/**
Outer Space (Committee and Subcommittees): **OS/**
Palestine Refugees (UNRWA): **PAL/**

Palestinian Issues: PAL/	Secretary-General's	Specialized Agencies: SAG/	UNICEF: ICEF/
Palestinian Rights (Committee):	Statements, Messages and	Statements and Messages (Deputy	UNIFEM: WOM/
GA/PAL/	Press Conferences:	Secretary-General): DSG/SM/	UNITAR: UNITAR/
Peacekeeping Operations: PKO/	SG/SM/	Statements and Messages (President	UN Administrative Tribunal:
Peacekeeping Operations (Special	Secretary-General's Travels:	of the Gen'l Assembly): GA/SM/	ORG/
Committee): GA/PK/	SG/T/	Statements and Messages	United Nations Children's Fund:
Population (Commission, Fund):	Security Council: SC/	(Secretary-General): SG/SM/	ICEF/
POP/	Shelter: HAB/	Statistics (Commission): STAT/	United Nations Day: OBV/
Population Issues: POP/	Sixth Committee (Legal) of	Straddling Fish Stocks: SEA/	United Nations Development
President of the General Assembly:	the General Assembly:	Sustainable Development	Programme: DEV/
GA/SM/	GA/L/	(Commission): ENV/DEV/	United Nations Headquarters
Press Conferences (Secretary-	Small Island Developing	Third Committee (Social,	(Ceremonies, Gifts,
General): SG/SM/	Countries (Conference):	Humanitarian and Cultural) of	Functions): HQ/
Protection of Minorities	ENV/DEV/	the Gen'l Assembly: GA/SHC/	United Nations Membership:
(Subcommission): HR/CN/	Social Development	Torture (Committee): HR/	ORG/
Public Information: PI/	(Commission): SOC/	Trade and Development	United Nations Reform: ORG/
Racial Discrimination (Committee):	Social, Humanitarian and	(UNCTAD): TAD/	United Nations Secretariat:
RD/	Cultural Committee of the	Trade Law (Commission): L/	ORG/
Refugee Issues: REF/	General Assembly:	Training and Research (UNITAR):	United Nations University:
Refugees (High Commissioner):	GA/SHC/	UNITAR/	UNU/
REF/	Social Issues: SOC/	Travels (Deputy Secretary-	UNRWA: PAL/
Regional Commissions: REC/	Special Committee of 24:	General): DSG/T/	UNU: UNU/
Rights of the Child (Committee):	GA/COL/	Travels (Secretary-General): SG/T/	UNV: DEV/
HR/	Special Committee on	Treaties: L/T/	VIP Visits Note No.
Rio Summit and Follow-up:	Peacekeeping Operations:	UN Volunteers: DEV/	Western Asia (ESCWA): REC/
ENV/DEV/	GA/PK/	UNCITRAL: L/	WFP: WFP/
Second Committee (Economic and	Special Initiative on Africa:	UNCTAD: TAD/	Women's Status (Commission):
Financial) of the General	AFR/	UNDCP: SOC/NAR/	WOM/
Assembly: GA/EF/	Special Political and	UNDP: DEV/	World Food Programme: WFP/
Secretary-General: SG/	Decolonization Committee	UNEP: UNEP/	World Trade Organization
Secretary-General's Appointments:	of the General Assembly:	UNFPA: POP/	(WTO): ECO/
SG/A/	GA/SPD/	UNHCR: REF/	

Further information regarding UN Document symbols (including their permutations from 1946 to 1996) may be found in:

UNITED NATIONS DOCUMENT SERIES SYMBOLS, 1946-1996 (New York: UN, 1998).

2.4 UN Publications for Sale

Cite UN publications (for sale to the public) by title, sales number (includes multiple numerical and alphabetic elements). The first element of the sales number (a letter) indicates the language of the publication; the second element (an Arabic number) indicates the year of publication (*e.g.*, 04); the third element (a Roman numeral) indicates the subject of the publication or source (categories are listed on-line at www.un.org/Depts/dhl/resguide/symbol1.htm). The final element (an Arabic numeral) is a sequential number with no special meaning.

3.0 International Court of Justice (ICJ) Jurisprudence

3.1 ICJ Citations

3.1.1 ICJ Decisions (1945-Present)

Cite ICJ decisions in cases of controversy by title (italicized), name of the parties (in parentheses, italicized, and often abbreviated), type of hearing, type of decision (if applicable), “I.C.J. Reports” (sometimes abbreviated as “I.C.J. Rep.” or “I.C.J.R.”), year of the reporter, volume (in parentheses, if applicable), date of the decision (in parentheses), first page of the decision (if published), and page and paragraph referenced (if applicable):

Fisheries Jurisdiction (United Kingdom v. Iceland), Jurisdiction of the Court, Judgment, I.C.J. Rep. 1973 (Feb. 2), p. 3.

Legality of Use of Force (Yugoslavia v. United Kingdom), Provisional Measures Order, I.C.J. Rep. 1999 (June 2), p. 826.

Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), Judgment, I.C.J. Rep. 2002 (I) (Feb. 14).

Types of decisions include: Order, Judgment, Jurisdiction Judgment, Merits Judgment, and Advisory Opinion.

3.1.1.2 Advisory Opinions

Cite advisory opinions of the International Court of Justice by title (italicized), “Advisory Opinion”, “I.C.J. Reports” (sometimes abbreviated as “I.C.J. Rep.” or “I.C.J.R.”), volume (by year), date of the opinion, first page of the opinion, and page and paragraph referenced (if applicable):

Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advisory Opinion, I.C.J. Rep. 1996 (July 8), p. 66.

3.2 Permanent Court of International Justice (PCIJ) Citations (1922 - 1946)

Cite Permanent Court of International Justice decisions and opinions by title (italicized), name of the parties (no parties are listed for advisory opinions), type of decision (if applicable), year of the decision, “P.C.I.J.”, reporter series, case number, and page referenced (if applicable):

River Meuse Case (Netherlands v. Belgium) (1937) P.C.I.J. Series A/B, no. 70.

Société Commerciale de Belgique, Judgment (1939) P.C.I.J. Series A/B, No. 78.

3.2.1 List of Decisions

ICJ orders and decisions are available at www.icj-cij.org (click on “Decisions”).

3.3 Major Judgments and Orders of Contentious ICJ Cases

- Sovereignty over Pulau Litigan and Pulau Sipadan (Indonesia/Malaysia)*, Merits, Judgment, I.C.J. Rep. 2002 (IV) (Dec. 17).
- Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)*, Merits, Judgment, I.C.J. Rep. 2002 (III) (Oct. 10).
- Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda)*, Request for the Indication of Provisional Measures, Order, I.C.J. Rep. 2002 (II) (July 10).
- Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)*, Judgment, I.C.J. Rep. 2002 (I) (Feb. 14).
- Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)*, Order, I.C.J. Rep. 2000 (Mar. 21).
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Yugoslavia)*, Order, I.C.J. Rep. 2000 (June 27), p. 12.
- Armed activities on the territory of the Congo (Democratic Republic of the Congo v. Burundi)*, Order, I.C.J. Rep. 2001 (Jan. 30), p. 3.
- Armed activities on the territory of the Congo (Democratic Republic of the Congo v. Rwanda)*, Order, I.C.J. Rep. 2001 (Jan. 30), p. 6.
- Armed activities on the territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Order, I.C.J. Rep. 2001 (Nov. 29).
- Aerial Incident of 10 August 1999 (Pakistan v. India)*, Judgment, I.C.J. Rep. 2000 (June 21), p. 12.
- Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)*, Order, I.C.J. Rep. 2000 (Sept. 8), p. 146.
- Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)*, Judgment, I.C.J. Rep. 2002 (Feb. 14), p. 3.
- Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Order, I.C.J. Rep. 2002 (Feb. 26).
- Certain Property (Liechtenstein v. Germany)*, Order, I.C.J. Rep. 2001 (June 28).
- Legality of Use of Force (Yugoslavia v. Belgium)*, Order, I.C.J. Rep. 1999 (June 2), p. 124.
- Legality of Use of Force (Yugoslavia v. Canada)*, Provisional Measures Order, I.C.J. Rep. 1999 (June 2), p. 259.
- Legality of Use of Force (Yugoslavia v. France)* Provisional Measures Order, I.C.J. Rep. 1999 (June 2), p. 363.
- Legality of Use of Force (Yugoslavia v. Germany)*, Provisional Measures Order, I.C.J. Rep. 1999 (June 2), p. 422.
- Legality of Use of Force (Yugoslavia v. Italy)*, Provisional Measures Order, I.C.J. Rep. 1999 (June 2), p. 481.
- Legality of Use of Force (Yugoslavia v. Netherlands)*, Provisional Measures Order, I.C.J. Rep. 1999 (June 2), p. 542.
- Legality of Use of Force (Yugoslavia v. Portugal)*, Provisional Measures Order, I.C.J. Rep. 1999 (June 2), p. 656.
- Legality of Use of Force (Yugoslavia v. United Kingdom)*, Provisional Measures Order, I.C.J. Rep. 1999 (June 2), p. 826.
- Legality of Use of Force (Yugoslavia v. Spain)*, Provisional Measures Order, I.C.J. Rep. 1999 (June 2), p. 761.
- Legality of Use of Force (Yugoslavia v. United States of America)*, Provisional Measures Order, I.C.J. Rep. 1999 (June 2), p. 916.
- LeGrand (Germany v. United States of America)*, Judgment, I.C.J. Rep. 2001 (June 27).
- Sovereignty over Pulau Litigan and Pulau Sipadan (Indonesia/Malaysia)*, Judgment, I.C.J. Rep. 2001 (23 Oct.).
- Vienna Convention on Consular Relations (Paraguay v. United States of America)*, Provisional Measures Order, I.C.J. Rep. 1998 (April 9), p. 248.
- Kasikili/Sedudu Island (Botswana/Namibia)*, Judgment, I.C.J. Rep. 1999 (Dec. 13), p. 1045.
- Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court’s Judgment of 20 December 1974 in the Nuclear Tests (New Zealand v. France) Case*, Order, I.C.J. Rep. 1995 (Sept. 22), p. 288.
- Fisheries Jurisdiction (Spain v. Canada)*, Order, I.C.J. Rep. 1996 (May 8), p. 58.
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- Request for Interpretation and of the Judgment of 11 June 1998 in the Case concerning the Land Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria)*, Preliminary Objections Judgment, I.C.J. Rep. 1999 (Mar. 25), p. 31.
- Gabcikovo-Nagymaros Project (Hungary/Slovakia)*, Judgment, I.C.J. Rep. 1997 (Sept. 25), p. 7.
- Gabcikovo-Nagymaros Project (Hungary/Slovakia)*, Order, I.C.J. Rep. 1997 (Feb. 5), p. 3.
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- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))*, Judgment, I.C.J. Rep. 2001 (Sept. 10).
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))*, Order, I.C.J. Rep. 1993 (April 8), p. 3; Order, I.C.J. Rep. 1993 (April 16), p. 29; Order, I.C.J. Rep. 1993 (Sept. 13), p. 325.
- Oil Platforms (Islamic Republic of Iran v. United States of America)*, Preliminary Objection Judgment, I.C.J. Rep. 1992-Questions of Interpretation and Application of the 1971 Montreal Convention Arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America), Preliminary Objections Judgment, I.C.J. Rep. 1998 (Feb. 27), p. 115.
- Questions of Interpretation and Application of the 1971 Montreal Convention Arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom)*, Preliminary Objections Judgment, I.C.J. Rep. 1998 (Feb. 27), p. 9.
- Maritime Delimitation and Territorial Questions Between Qatar and Bahrain (Qatar v. Bahrain)*, Judgment, I.C.J. Rep. 2001 (Mar. 16), p. 40.
- Maritime Delimitation and Territorial Questions Between Qatar and Bahrain (Qatar v. Bahrain)*, Jurisdiction and Admissibility Judgment, I.C.J. Rep. 1995 (Feb. 15), p. 6.
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Corfu Channel (United Kingdom v. Albania), Preliminary Objection, Judgment, I.C.J. Reps. 1947-1948 (Mar. 25), p. 15.
Corfu Channel (United Kingdom v. Albania), Merits, Judgment, I.C.J. Rep. 1949 (Apr. 9), p. 4.
Corfu Channel (United Kingdom v. Albania), Compensation, Judgment, I.C.J. Rep. 1949 (Dec. 15), p. 244.

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Difference Relating to the Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion, I.C.J. Rep. 1999 (April 29), p. 62.
Legality of the Treat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Rep. 1996 (July 8), p. 226.
Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advisory Opinion, I.C.J. Rep. 1996 (July 8), p. 66.
Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations, Advisory Opinion, I.C.J. Rep. 1989 (Dec. 15), p. 177.
Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947, Advisory Opinion, I.C.J. Rep. 1988 (April 26), p. 12.
Application for Review of Judgment No. 333 of the United Nations Administrative Tribunal, Advisory Opinion, I.C.J. Rep. 1987 (May 27), p. 18.
Application for Review of Judgment No. 273 of the United Nations Administrative Tribunal, Advisory Opinion, I.C.J. Rep. 1982 (July 20), p. 325.
Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt 1980, Advisory Opinion, I.C.J. Rep. 1980 (Dec. 20), p. 73.
Western Sahara, Advisory Opinion, I.C.J. Rep. 1975 (Oct. 16), p. 12.
Application for Review of Judgment No. 158 of the United Nations Administrative Tribunal, Advisory Opinion, I.C.J. Rep. 1973 (July 12), p. 166.
Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Rep. 1971 (June 21), p. 16.
Certain Expenses of the United Nations, Advisory Opinion, I.C.J. Rep. 1962 (July 20), p. 151.

Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization, Advisory Opinion, I.C.J. Rep. 1960 (June 8), p. 150.
Admissibility of Hearings of Petitioners by the Committee on South West Africa, Advisory Opinion, I.C.J. Rep. 1956 (June 1), p. 20.
Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco, Advisory Opinion, I.C.J. Rep. 1956 (Oct. 23), p. 77.
Voting Procedure on Questions relating to Reports and Petitions concerning the Territory of South West Africa, Advisory Opinion, I.C.J. Rep. 1955 (June 7), p. 67.
Effect of Awards of Compensation Made by the United Nations Administrative Tribunal, Advisory Opinion, I.C.J. Rep. 1954 (July 13), p. 47.
Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion, I.C.J. Rep. 1951 (May 28), p. 15.
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Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, 2nd Phase, Advisory Opinion, I.C.J. Rep. 1950 (July 30), p. 221.
Reparations for Injuries Suffered in the Service of the United Nations, Advisory Opinion, I.C.J. Rep. 1949 (Apr. 11), p. 174.
Conditions of Admission of a State to a Membership in the United Nations (Article 4 of Charter), Advisory Opinion, I.C.J. Reps. 1947-48 (May 28), p. 57.

3.5 Important Permanent Court of International Justice (PCIJ) Cases

Société Commerciale de Belgique, Judgment (1939) P.C.I.J. Series A/B, No. 78
Panevezys-Saldutiskis Railway Case, Judgment (1937) P.C.I.J. Series A/B, No. 76.
River Meuse Case (Netherlands v. Belgium) (1937) P.C.I.J. Series A/B, No. 70.
Peter Pazmany University Case (1933), P.C.I.J. Series A/B, No. 61, 237.
Eastern Greenland Case (1933), P.C.I.J. Series A/B, No. 53.
Free Zones of Upper Savoy and the District of Gex (1932), P.C.I.J. Series A/B, No. 46.
Territorial Jurisdiction of the International Commission of the River Order (1929), P.C.I.J., Series A, No. 23.
Chorzow Factory Case (1928), Merits, P.C.I.J. Series A, No. 17.
Lotus Case, (1927), P.C.I.J. Series A, No. 10.
Certain German Interests in Polish Upper Silesia Case (1926), P.C.I.J. Series A, No. 7.
Mavrommatis Case (Greece v. UK) (1924), P.C.I.J. Series A, No. 2.
German Settlers Case (1923), P.C.I.J. Series B, No. 6.
Nationality Decrees in Tunis and Morocco Case (1923), P.C.I.J. Series B, No. 4.
The Wimbledon Case (Rance, Italy, Japan and the UK v. Germany) (1923), P.C.I.J. Series A, No. 1.

III. SELECTED REFERENCES

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LINDA FASULO, *AN INSIDER'S GUIDE TO THE UN* (2003).

THOMAS FRANCK, *NATION AGAINST NATION: WHAT HAPPENED TO THE U.N. DREAM AND WHAT THE U.S. CAN DO ABOUT IT* (1985).

PETER MALANCZUK, *AKEHURST'S MODERN INTRODUCTION TO INTERNATIONAL LAW* (7th ed. 1997).

UNITED NATIONS, *DIVIDED WORLD: THE UN'S ROLES IN INTERNATIONAL RELATIONS* (Benedict Kingsbury et al. eds., 1994).

EUROPEAN UNION

I. ORGANIZATION PROFILE

In the aftermath of World War II, many European countries believed that closer economic and political integration was the best way to achieve lasting peace. In 1957, six countries — France, Germany, Italy, the Netherlands, Belgium and Luxembourg — entered into the Rome Treaties, which provided for the creation of three new institutions: the European Economic Community (EEC), the European Coal and Steel Community (ECSC), and the European Atomic Energy Community (Euratom). The original Member States were joined by Denmark, Ireland, and the United Kingdom in 1973, Greece in 1981, Portugal and Spain in 1986, and by Austria, Finland, and Sweden in 1995, bringing the total number of member states to fifteen.

Over time, the activities of the Communities extended far beyond their initial goal of a common market to encompass the harmonization of Member States' national economic laws and the promotion of free movement of labor and capital.

Major changes to the political agenda and organizational structure of the Communities were introduced by four significant amendments to the Treaty of Rome on the EEC. The 1986 Single European Act provided the EEC with new powers in the fields of the environment, research, and development. The Act also attempted to create a framework for a common foreign policy of the Member States.

The 1992 Maastricht Treaty on the European Union further increased the scope of the EEC's powers (and renamed the institution the European Community (EC)), granting it some aspects of education, culture, public health, and consumer protection powers. The Maastricht Treaty balanced these new powers with the introduction of the principle of subsidiarity as a general principle of Community law.

Moreover, the Treaty of Maastricht provided for the creation of a new entity—the European Union, which was superimposed over the existing structure. Its task is to organize, in a manner demonstrating consistency and solidarity, relations between the Member States and between their peoples.

The European Union is based on three pillars. The first relates to cooperation in the fields of economic, social and monetary policy. This remains the task of the EC. The second relates to cooperation in the areas of justice and domestic affairs. The third relates to the development and implementation of a common foreign and security policy, possibly leading to a common defense. The European Union exists mainly as a cooperative framework and does not possess any juridical personality as such. The last two pillars are thus independent from the original Treaty of Rome framework and do not, therefore, constitute Community law.

The 1997 Treaty of Amsterdam further enlarged the powers of the Community in areas of visa, asylum, immigration, and employment. The Treaty of Amsterdam also completely renumbered the articles of the previous Treaties.

Finally, the 2001 Treaty of Nice revised certain aspects of Community governance necessary for enlargement of the EU beyond fifteen Member States, particularly the size and composition of various political bodies and the decision-making processes used. On May 1, 2004, the EU added ten Member States, incorporating much of Central and Eastern Europe.

Although the three Communities were established as separate organizations, their institutional structure has rapidly become uniform (although the the treaty establishing the

European Coal and Steel Community (ECSC) expired on July 23, 2002). Each uses the same organs, with the only variations lying in the powers exercised by them in accordance with each of the Treaties. The primary organs are the European Parliament, the Council of the European Union, the European Commission, the European Court of Justice, and the Court of First Instance. In addition to these institutions, the organs of the Communities also include the Court of Auditors and various specialized subcommittees. While not uniformly recognized as an organ of the Community, the European Central Bank, established in 1998, also plays a very important role in the implementation and management of the European Monetary Union. Additionally, the informal European Council (not to be mistaken with the Council) consists of the Heads of State or Government and the Foreign Ministers of the various Member States, and the President and Vice President of the Commission. Since 1974, the European Council has met twice a year to define political guidelines for the European Union.

The Council of the EC is the principal decision-making body of the Communities. As stated in the EC Treaty, the principal role of the Council is “to ensure the co-ordination of the general economic policies of the Member States.” In order to perform this task, the Council is entrusted with the power to enact Community legislation through regulations, directives, and decisions, and to adopt international agreements negotiated by the Commission.

The Council is composed of twenty-five Ministers, one from each of the Member States, and a rotating six-month presidency. The identity of the Ministers varies depending on the subject matter of the meetings. Within the Council, the voting procedures depend upon the treaty under which it acts. Votes are allocated to Member States on the basis of population as established by the Treaties. Qualified majority voting is the general rule under the EC Treaty, while unanimity or a simple majority are required in certain instances.

The Commission is the organ of the Communities responsible for initiating European legislation and action, and overseeing the implementation of common policies and Union legislation enacted by Member States. The Commission is composed of thirty Commissioners who serve five-year terms. Commissioners are nominated by mutual agreement of the Member States and must be approved by the European Parliament. Each Member State currently is guaranteed at least one commissioner. Commissioners are independent of Member States’ national governments. Although the Commission possesses a broad power of initiative when direct regulation is necessary — that is, it can issue a regulation which has a direct effect in the legal orders of Member States without any need for an internalization procedure — it is generally limited to matters specifically mentioned in the Treaties. An important exception, contained in the ECSC Treaty, allows the Commission to make decisions that directly bind enterprises and to enforce these decisions by imposing fines and penalties. Acting in this role, the Commission may institute proceedings before the European Court of Justice against Member States it believes to be in breach of their obligations under the Treaties. Finally, the Commission is the main budgetary authority within the Community.

The European Parliament is the parliamentary organ of the European Union. The Parliament consists of 732 representatives, which are directly elected by the peoples of the Member States every five years.

The Parliament is involved in the legislative process through the cooperation and co-decision procedures. The cooperation procedure allows the Parliament to amend or reject positions taken by the Council on Commission proposals. While the Parliament can amend any positions, they then have to send it back to the Council. The Council can then accept or reject the amendments and resubmit to the Parliament. A decision of the Parliament, however, may be

ignored by unanimous decision of the Council. The co-decision procedure allows the Parliament to oppose the adoption of a normative act when consultation between the Parliament and the Council fails. Under this procedure, the Council may not proceed in the face of the Parliament's opposition. The Parliament must approve all international agreements concluded by the Community in areas requiring co-decision or when such agreements have budgetary or institutional implications. In addition, the Parliament may also force the Commission to resign by a vote of censure.

The European Court of Justice (ECJ) is the common judicial body of the European Communities. The ECJ is composed of twenty-five Judges, one from each Member State, who are assisted by eight Advocates-General. There is also a Court of First Instance (CFI), which, like the ECJ, is composed of twenty-five Judges, one from each Member State. The CFI, however, has no Advocates-General. Both ECJ and CFI Judges as well as the Advocates-General are appointed by agreement of the Member States to renewable six-year terms.

The ECJ's primary functions are to guarantee the uniform application and interpretation of Community law and to settle disputes between the various actors of the Community. The CFI helps the ECJ carry out these functions.

The Treaties and the Statute of the ECJ establish the specific division of jurisdiction between the two Courts. Generally, the CFI has jurisdiction over all direct actions and in areas of competition. It also serves as the Communities' administrative tribunal, dealing with appeals by staff members from decisions of the administration of the Communities and with issues involving staff pensions. The ECJ hears cases brought against member states for failure to fulfill their obligations under the Treaties and responds to preliminary references. Preliminary references involve questions concerning the interpretation of Community law referred to the ECJ by Member States' domestic courts. Finally, the ECJ has appellate jurisdiction over most CFI decisions with respect to questions of law.

Internet Resources:

Official website:

<http://europa.eu.int>

European Parliament

<http://www.europarl.eu.int>

European Commission

http://europa.eu.int/comm/index_en.htm

European Court of Justice

<http://curia.eu.int/en/index.htm>

II. CITATION GUIDE

Citation forms regarding the body of legislation from the European Union changes according to the country of publication. Some minimal rules have nevertheless been established by the Office of Official Publications of the European Union for citation to the Official Journal of the European Union, and by the European Court of Justice for the various Treaties of the European Communities and jurisprudence. Those are the rules stated here.

1.0 Basic Treaties

Since most of the Articles in the Treaties have been renumbered, it is important to determine which numbering system is used in a particular citation. A list of current and corresponding prior article numbers for the EU and EC treaties is located at <http://curia.eu.int/en/>. Click on “Index,” then on “Citation,” and finally on “Articles of the EC Treaty” and “Articles of the Treaty on EU” as appropriate.

1.1 Treaties as they stand after May 1, 1999.

Cite to the current Treaties by “Article”, article referenced, and abbreviated title of the Treaty:

Article 234 EC.

The abbreviations for the major treaties are:

Treaty on European Union: EU

EC Treaty: EC

ECSC Treaty: CS

Euratom Treaty: EA

1.2 Treaties as they stood before May 1, 1999

Cite to the Treaties as they stood before May 1, 1999 by “Article”, article referenced, the words “of the”, and abbreviated treaty name:

Article 85 of the EC Treaty.

Cite the EC Treaty and the Treaty on the European Union as they stood before May 1, 1999 by the above form followed by a reference to the corresponding provision of the current version of the Treaty including, if appropriate, an indication that the article has been amended or repealed (in parentheses):

Thus, cite an article not amended by the Treaty of Amsterdam as follows:

Article 85 of the EC Treaty (now Article 81 EC).

Cite an article amended by the Treaty of Amsterdam as follows:

Article 51 of the EC Treaty (now, after amendment, Article 42 EC).

Cite an article repealed by the Treaty of Amsterdam as follows:

Article 53 of the EC Treaty (repealed by the Treaty of Amsterdam).

An exception is made for the initial citation to former articles 117 to 120 of the EC Treaty, which have been replaced *en bloc* by the Treaty of Amsterdam. Cite these articles as follows:

Article 119 of the EC Treaty (Articles 117 to 120 of the EC Treaty have been replaced by Articles 136 EC to 143 EC).

The same applies to Articles J to J.11 and K to K.9 of the Treaty on European Union:

Article J.2 of the Treaty on European Union (Articles J to J.11 of the Treaty on European Union have been replaced by Articles 11 EU to 28 EU).

2.0 Official Documents (The Official Journal)

Any document issued by an institution of the European Union and published in the Official Journal must be cited by reference of the Official Journal (abbreviated “OJ”).

2.1 Documents Published before July 1, 1967

Cite documents published before July 1, 1967 by title (optional), “OJ”, volume, date [day.month.year], and page referenced followed by the last two digits of the year [page/year]:

OJ 106, 30.10.1962, p. 2553/62.

2.2 Documents Published between July 1, 1967 and December 31, 1967

Cite documents published between July 1, 1967 and December 31, 1967 by title (optional), “OJ” volume, date [day.month.year], and page referenced:

OJ 174, 31.7.1967, p. 1.

2.3 Documents Published on or after January 1, 1968

Cite documents published on or after January 1, 1968 by title (optional), “OJ”, series (“L”, “C”, or “S”), date [day.month.year], and page referenced:

OJ L 99, 5.5.1970, p. 1.

OJ C 99, 5.5.1970, p. 1.

The Official Journal has three separate series, abbreviated as follows:

Legislation: L

Communications: C

Supplement to the Official Journal: S

Beyond these more formal rules, authors sometimes include additional information, leave out information, change the order in which information is presented, or use the alternative abbreviation of the Official Journal (“OJEC”). For example, some authors cite documents published in the Official Journal as follows:

EC Regulation 3285/94 on the common rules for imports, OJEC 1994 L349/53.

3.0 Jurisprudence: European Court of Justice (ECJ) & Court of First Instance (EFI)

Cite cases introduced before January 1, 1989 by “Case”, case number [number/year of filing], name of the parties (italicized and separated by “v”), year of decision (in square brackets), title of the reporter (“ECR”), volume (if necessary), and page and paragraph referenced:

Case 120/88 *Commission v Italy* [1991] ECR I-621.

Cite cases introduced after January 1, 1989 by “Case”, followed by “T” (for the Court of First Instance) or “C” (for the European Court of Justice), case number [number/year of filing], name of the parties (italicized and separated by “v”), year of decision (in square brackets), title of the reporter (“ECR”), volume, and page and paragraph referenced:

Case T-224/95 *Tremblay and Others v Commission* [1997] ECR, II-2215.

Case C-242/95 *GT-Link* [1997] ECR, I-4449, para. 36.

Many authors include descriptions of the subject matter of the case following the parties’ names (in parentheses), especially when a case involves common parties, such as Member States or EU institutions:

Case C-350/92 *Spain v Council (Medicinal product certificates)* [1995] ECR, I-1985.

3.1 Joined Cases

Cite joined cases as described in Section 3.0 above, preceded by the words “Joined Cases”:

Joined Cases 106/63 and 107/63 *Alfred Töpfer and Getreide-Import Gesellschaft v Commission* [1965] ECR 405.

Joined Cases C-34/95, C-35/95 and C-36/95 *Konsumentombudsmannen v De Agostini (Svenska) Forlag* [1997] ECR, I-3843.

Joined Cases 83 and 94/76, 4, 15 and 40/77 *Bayerische HNL Vermehrungsbetriebe GMBH v Council and Commission* [1978] ECR 1209.

Some writers substitute “&” or “-” for “and”:

Joined Cases 106/63 & 107/63 Alfred Töpfer and Getreide-Inport Gesellschaft v Commission [1965] ECR 405.

Joined Cases 106-107/63 Alfred Töpfer and Getreide-Inport Gesellschaft v Commission [1965] ECR 405.

Cases 106-107/63 Alfred Töpfer and Getreide-Inport Gesellschaft v Commission [1965] ECR 405.

3.2 Opinions

Under Article 300(6) of the Treaty on the European Union, the European Parliament, the Council, the Commission or a Member State may obtain the opinion of the ECJ whether an international agreement is compatible with the EU Treaty. Cite ECJ opinions by “Opinion”, opinion number [number/year opinion request filed], agreement under review (in parentheses and italicized), year of opinion (in square brackets), title of the reporter (“ECR”), volume, and page and paragraph referenced:

Opinion 1/78 (*International Agreement on Rubber*) [1979] ECR 2871.

Opinion 1/91 (*European Economic Area*) [1991] ECR, I-6084.

3.3 Reports

The decisions of the ECJ and the CIF are published in the European Court of Justice and Court of First Instance Reporter (abbreviated “ECR”).

3.4 Major Judgments of the ECJ

For sake of clarification, parenthetical descriptions of the subject matter of the case are often added if both parties are either Member States or EU institutions. Most ECJ and CIF proceedings are available online at <http://curia.eu.int/en/content/juris/index.htm>.

4.0 Major Judgments of the ECJ by Subject Matter

4.1 Jurisdiction & Judicial Remedies

Joined Cases 106/63 and 107/63 *Alfred Töpfer and Getreide-Inport Gesellschaft v Commission* [1965] ECR 405.

Joined Cases 83 and 94/76, 4, 15 and 40/77 *Bayerische HNL Vermehrungsbetriebe GMBH v Council and Commission* [1978] ECR 1209.

Case 114/76 *Bela-Mühle Josef Bergmann KG v Grows-Farm GMHB* [1977] ECR 1211.

Case 314/85 *Firma Foto-Frost v Hauptzollamt Lübeck-Ost* [1987] ECR 4199.

Case C-73/97 *France v Comafrica SpA and Dole Fresh Fruit Europe LTD. & Co.* [1999] ECR, I-185.

Case 24/62 *Germany v Commission* [1963] ECR 63.

Case C-233/94 *Germany v Parliament and Council (Deposit-guarantee schemes)* [1997] ECR, I-2405.

Case C-376/98 *Germany v Parliament and Council (Tobacco advertising directive)* [2000] ECR, I-8419.

Case 105/75 *Giuffrida v Council* [1976] ECR 1395.

Case 96/71 *Haegeman v Commission* [1972] ECR 1005.

Case 60/81 *IBM v Commission* [1981] ECR 2639.

Case 11/70 *Internationale Handelsgesellschaft mbH v Einfuhr- und Vorratsstelle für Getreide und Futtermittel* [1970] ECR 1125.

Case 115/78 *Knoors v Secretary of State for Economic Affairs* [1979] ECR 399.

Case 246/81 *Lord Bethell v Commission* [1982] ECR 2277.

- Case 26/76 *Metro SB-Grossmärkte GmbH & Co. KG v Commission* [1977] ECR 1875.
- Case 115/78 *Pigs Marketing Board v Redmond* [1978] ECR 2347.
- Case C-213/89 *The Queen v Secretary of State for Transport, ex parte Factortame Ltd. (Factortame I)* [1990] ECR, I-2433.
- Case C-152/88 *Sofrimport S.A.R.L. v Commission* [1990] ECR, I-2477.
- Case C-350/92 *Spain v Council (Medicinal product certificates)* [1995] ECR, I-1985.
- Case 17/74 *Transocean Marine Paint Association v Commission* [1974] ECR 1063.
- Case C-84/94 *United Kingdom v Council (Working time directive)* [1996] ECR, I-5755.
- Case C-106/96 *United Kingdom v Commission (Social Exclusion Program)* [1998] ECR, I-2729.
- Case 36/74 *Wilhelm v Bundeskartellamt* [1969] ECR 1.
- Case C-54/96 *Dorsch Consult Ingenieurgesellschaft mbH v Bundesbaugesellschaft Berlin mbH* [1997] ECR, I-4961.
- Case 102/81 *Nordsee Deutsche Hochseefischerei GmbH v Reederei Mond Hochseefischerei Nordstern AG & Co. KG and Reederei Friedrich Busse Hochseefischerei Nordstern AG & Co. KG* [1982] ECR 1095. Case C-126/97 *Eco Swiss China Time Ltd v Benetton International NV* [1999] ECR, I-3055.
- Case C-17/00 *François De Coster v Collège des bourgmestres et échevins de Watermael-Boitsfort* [2001] ECR, I-9445.
- Case 166/73 *Rheinmühlen-Düsseldorf v Einfuhr- und Vorratsstelle für Getreide und Futtermittel* [1974] ECR 33.
- Case 146/73 *Rheinmühlen-Düsseldorf v Einfuhr- und Vorratsstelle für Getreide und Futtermittel* [1974] ECR 139.
- Case 283/81 *Srl CILFIT and Lanificio di Gavardo SpA v Ministry of Health* [1981] ECR 3415.
- Case C-99/00 *Criminal proceedings against Kenny Roland Lyckeskog* [2002] ECR, I-4839.
- Case 66/80 *SpA International Chemical Corporation v Amministrazione delle finanze dello Stato* [1981] ECR 1191.
- Case C-68/95 *Criminal proceedings against Kenny Roland Lyckeskog* [2002] ECR, I-4839.
- Case 24/86 *Blaizot v University of Liège* [1988] ECR 379.
- Case 4/79 *Société coopérative "Providence agricole de la Champagne" v Office national interprofessionnel des céréales (ONIC)* [1980] ECR 2823.
- Case C-515/99 *Hans Reisch and Others v Bürgermeister der Landeshauptstadt Salzburg and Grundverkehrsbeauftragter des Landes Salzburg and Anton Lassacher and Others v Grundverkehrsbeauftragter des Landes Salzburg and Grundverkehrslandeskommission des Landes Salzburg* [2002] ECR, I-2157.
- Case 13/68 *SpA Salgoil v Italian Ministry of Foreign Trade* [1968] ECR 453.
- Case 104/79 *Pasquale Foglia v Mariella Novello* [1980] ECR 745.
- Case 244/80 *Pasquale Foglia v Mariella Novello* [1981] ECR 3045.
- Case 14/86 *Pretore di Salò v Persons unknown* [1987] ECR 2545.
- Case C-379/98 *PreussenElektra AG v Schleswag AG* [2000] ECR, I-2099.
- Case C-28/95 *A. Leur-Bloem v Inspecteur der Belastingdienst/Ondernemingen Amsterdam 2* [1997] ECR, I-4161.
- Case C-337/95 *Parfums Christian Dior SA and Parfums Christian Dior BV v Evora BV* [1997] ECR, I-6013.
- Case C-318/00 *Bacardi-Martini SAS and Cellier des Dauphins v Newcastle United Football Company Ltd.* [2003] ECR, I-905.

4.2 Supremacy

- Case 6/64 *Costa v Ente Nazionale per l'Energia Elettrica* [1964] ECR 585.
- Case 45/76 *Comet BV v Produktschap voor Siergewassen* [1976] ECR 2043.
- Case 106/77 *Amministrazione Delle Finanze Dello Stato v Simmenthal SpA* [1978] ECR 629.

4.3 Direct Effect

- Case 43/75 *Defrenne v Societe Anonyme Belge de Navigation Aérienne Sabena* [1976] ECR 455.
- Case 8/81 *Ursula Becker v Finanzamt Münster-Innenstadt* [1982] ECR 53.
- Case 102/79 *Commission v Belgium* [1980] ECR 1473.
- Case 21/78 *Knud Oluf Delkvist v Anklagemyndigheden* [1978] ECR 2327.
- Case C-91/92 *Faccini Dori v Recreb SRL* [1994] ECR, I-3325.
- Case C-456/98 *Centrosteeel Srl v Adipol GmbH* [2000] ECR, I-6007.
- Case C-106/89 *Marleasing SA v La Comercial Internacional de Alimentacion SA* [1990] ECR, I-4135.
- Case 152/84 *Marshall v Southampton and South-west Hampshire Area Health Authority* [1986] ECR 723.
- Case 148/78 *Pubblico Ministero v Ratti* [1979] ECR 1629.
- Case C-188/89 *Foster and others v British Gas plc.* [1990] ECR, I-3313.
- Case 41/74 *Van Duyn v Home Office* [1974] ECR 1337.
- Case 26/62 *Van Gend en Loos v Nederlandse Administratie der Belastingen* [1963] ECR 1.
- Case 57/65 *Alfons Lütticke GmbH v Hauptzollamt Sarrelouis* [1966] ECR 293.
- Case 57/65 *B.N.O. Walrave and L.J.N. Koch v Association Union cycliste internationale* [1974] ECR 1405.
- Case C-194/94 *CIA Security International v Signalson* [1996] ECR, I-2201.
- Case C-443/98 *Unilever Italia SpA v Central Food SpA* [2000] ECR, I-7535.

5.0 EU Law in the Member States

- Case 167/73 *Commission v France (French merchant seamen)* [1974] ECR 359.
- Case 232/78 *Commission v France (Mutton and lamb)* [1979] ECR 2729.
- Case C-387/97 *Commission v Greece (Kouroupitos rubbish tip II)* [2000] ECR, I-5047.
- Case 63/86 *Commission v Italy (Pork import ban)* [1961] ECR 317.
- Case 28/81 *Commission v Italy (Road haulage directive)* [1981] ECR 2577.
- Case 48/71 *Commission v Italy (Art treasures)* [1972] ECR 529.
- Case 39/72 *Commission v Italy (Slaughtered cows II)* [1973] ECR 101.

Joined Cases 90/63 and 91/63 *Commission v Luxembourg and Belgium (Milk products)* [1964] ECR 625.
 Case C-126/97 *Eco Swiss China Time Ltd. v Benetton International NV* [1999] ECR, I-4493.
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6.0 The Internal Market

6.1 Trade Discrimination

6.1.1 Imports

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6.1.2 Exports

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6.2 Free Movement of Goods

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6.3 Free Movement of Persons

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6.4 Free Movement of Workers

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6.5 Free Movement of Capital

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7.0 Right of Establishment

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9.0 Property Rights

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12.0 Human Rights

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14.0 Equal Rights

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WORLD TRADE ORGANIZATION

I. ORGANIZATION PROFILE

The World Trade Organization (“WTO”) is an international organization consisting of 148 Member States that deals with the global rules of trade between nations. The WTO’s main function is to ensure that trade flows as smoothly, predictably, and freely as possible. It does this by administering trade agreements, acting as a forum for trade negotiations, settling trade disputes, reviewing national trade policies, assisting developing countries in trade policy issues, and cooperating with other international organizations.

The WTO was born out of the Uruguay Round of negotiations of the General Agreement on Tariffs and Trade (“GATT”). The term GATT refers to both the multilateral agreement and the international organization that administers the agreement. The WTO provides a forum for future GATT negotiations and administers the dispute resolution system.

The WTO’s top level decision-making body is the Ministerial Conference, which meets at least once every two years. This body consists of representatives from each Member State and has full authority to take decisions on any matter arising from any of the Multilateral Trade Agreements (those agreements signed by all Member States). The Ministerial Conference is the chief policy-making body of the WTO and any major policy change requires its approval.

Beneath the Ministerial Conference is the General Council, which meets several times a year. This body is responsible for overseeing the WTO between Ministerial Conference meetings and consists of a representative from each Member State. The General Council has authority to act in all areas pertaining to Multilateral and Plurilateral Trade Agreements (the latter of which are not signed by all WTO Member States) and the WTO, except for major policy changes and decisions to alter the WTO treaties. The General Council also meets as the Trade Policy Review Body and the Dispute Settlement Body.

The Goods Council, Services Council, and Intellectual Property (or TRIPS) Council report to the General Council. The Goods Council oversees the proper functioning of all Multilateral Trade Agreements affecting trade in goods, including interpretations of various GATT articles. The Services Council oversees the General Agreement on Trade in Services (GATS), which attempts to do for services what GATT has done for trading goods by establishing a multilateral framework for the reduction and elimination of barriers to international trade in services. The TRIPS Council oversees the TRIPS Agreement, which includes clauses ensuring non-discrimination and most-favored nation (MFN) status. The agreement also covers different kinds of intellectual property rights, such as copyrights, trademarks, and patents.

Six smaller bodies called committees also report to the General Council. These committees also consist of representatives from WTO Member States. The committees deal with issues such as trade and development, the environment, regional trading arrangements, administrative issues, investment and competition policy, transparency in government procurement, and trade facilitation. In addition, two more subsidiary bodies dealing with the Plurilateral Agreements regularly keep the General Council informed of their activities.

The WTO Secretariat services the WTO bodies with respect to negotiations and implementation of agreements. Based in Geneva, the Secretariat is headed by a Director General. The Secretariat’s main duties are to supply technical support for the various councils, committees and ministerial conferences, provide technical assistance to developing countries, analyze world

trade, and explain WTO affairs to the public and media. In addition, the Secretariat provides legal assistance in the dispute settlement process and advises governments wishing to become WTO Member States.

The WTO's rules and agreements are the result of negotiations between Member States. Through these agreements, WTO Member States operate a nondiscriminatory trading system, which spells out their rights and obligations. Each Member State receives guarantees that its exports will be treated fairly and consistently in other Member States' markets. Each Member State also promises to treat imports from other Member States fairly.

Trade disputes are resolved under the Dispute Settlement Understanding. Member States may bring disputes to the WTO if they think their rights under the agreements are being infringed. The Dispute Settlement Body (DSB) is the body responsible for the dispute settlement mechanism. The DSB is the ultimate arbiter of whether a member state has broken any rules enacted under the WTO Agreement or one of the Multilateral Trade Agreements. Judgments of the DSB are made by specially-appointed independent experts based on interpretations of the agreements and Member States' commitments.

Internet Resources:

WTO

<http://www.wto.org/>

WTO Analytical Index (Jurisprudence by Agreement/Article)

http://www.wto.org/english/res_e/booksp_e/analytic_index_e/analytic_index_e.htm

Appellate Body Reports

http://www.wto.org/english/tratop_e/dispu_e/ab_reports_e.htm

Panel Decisions

http://www.wto.org/english/tratop_e/distabase_e.htm

II. CITATION GUIDE

1.0 Basic Treaties

1.1 Formal citations

The general format for citing GATT/WTO treaties follows the standard set out in Section 1.0 on Treaties and Conventions (on page 266). For WTO agreements, However, reference to the official WTO publication—"The Legal Texts: The Results of the Uruguay Round of Multilateral Trade Negotiations"—is often added to the citation.

The following citations err on the side of providing as much citation information as possible.

GATT 1947:

General Agreement on Tariffs and Trade (Geneva, 30 Oct. 1947) 55 U.N.T.S. 187, *provisionally entered into force on* 1 Jan. 1948, *superseded by* Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations (Marrakesh, Morocco, 15 April 1994), 1867 U.N.T.S. 14, 33 I.L.M. 1143, *on* 1 Jan. 1995.

Final Act Embodying Uruguay Round:

Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations (Marrakesh, Morocco, 15 April 1994), THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS 2 (1999), 1867 U.N.T.S. 14, 33 I.L.M. 1143 (1994) [hereinafter Final Act].

GATT 1994:

General Agreement on Tariffs and Trade 1994, (Marrakesh, Morocco, 15 April 1994), Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS 17 (1999), 1867 U.N.T.S. 190, 33 I.L.M. 1153 (1994) [hereinafter GATT 1994].

WTO Agreement or Marrakesh Agreement:

Marrakesh Agreement Establishing the World Trade Organization (15 April 1994), THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS 4 (1999), 1867 U.N.T.S. 154, 33 I.L.M. 1144 (1994) [hereinafter Marrakesh Agreement or WTO Agreement].

Dispute Settlement Understanding (DSU):

Understanding on Rules and Procedures Governing the Settlement of Disputes (Marrakesh, Morocco, 15 April 1994), Marrakesh Agreement Establishing the World Trade Organization, Annex 2, THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS 354 (1999), 1869 U.N.T.S. 401, 33 I.L.M. 1226 (1994) [hereinafter DSU].

Agreement on the Application of Sanitary and Phytosanitary Measures (SPS):

Agreement on the Application of Sanitary and Phytosanitary Measures (Marrakesh, Morocco, 15 April 1994), Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS 59 (1999), 1867 U.N.T.S. 493. [hereinafter SPS Agreement].

Agreement on Technical Barriers to Trade (TBT):

Agreement on the Technical Barriers to Trade (Marrakesh, Morocco, 15 April 1994), Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS 121 (1999), 1868 U.N.T.S. 120. [hereinafter TBT Agreement].

Agreement on Subsidies and Countervailing Measures (SCM):

Agreement on Subsidies and Countervailing Measures (Marrakesh, Morocco, 15 April 1994), Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS 231 (1999), 1869 U.N.T.S. 14. [hereinafter SCM Agreement].

Agreement on Safeguards:

Agreement on Safeguards (Marrakesh, Morocco, 15 April 1994), Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS 275 (1999), 1869 U.N.T.S. 154. [hereinafter Safeguards Agreement].

Agreement on Agriculture:

Agreement on Agriculture (Marrakesh, Morocco, 15 April 1994), Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS 33 (1999), 1867 U.N.T.S. 410.

Agreement on Import Licensing Procedures:

Agreement on Import Licensing Procedures (Marrakesh, Morocco, 15 April 1994), Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS 223 (1999), 1868 U.N.T.S. 436 (1994) [hereinafter Import Licensing Agreement].

Agreement on Textiles and Clothing:

Agreement on Textiles and Clothing (Marrakesh, Morocco, 15 April 1994), Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS 73 (1999), 1868 U.N.T.S. 14. [hereinafter Textiles Agreement].

General Agreement on Trade in Services (GATS):

General Agreement on Trade in Services (Marrakesh, Morocco, 15 April 1994), Marrakesh Agreement Establishing the World Trade Organization, Annex 1B, THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS 284 (1999), 1869 U.N.T.S. 183, 33 I.L.M. 1167 (1994) [hereinafter GATS].

Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS):

Agreement on Trade-Related Aspects of Intellectual Property Rights (Marrakesh, Morocco, 15 April 1994), Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS 321 (1999), 1869 U.N.T.S. 299, 33 I.L.M. 1197 (1994) [hereinafter TRIPS Agreement].

Agreement on Trade-Related Investment Measures (TRIMS):

Agreement on Trade-Related Investment Measure Rights (Marrakesh, Morocco, 15 April 1994), Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS 143 (1999), 1868 U.N.T.S. 186 [hereinafter TRIMS Agreement].

1.2 Subsequent or Informal Citations

GATT 1947, Art. III, para. 1(b).

GATT 1994, Art. XXIII, para. 1(b).

DSU, Art. 26.

SPS Agreement, Art. 5.7.

2.0 Documents

Cite all WTO documents by title (italicized), unique document symbol (explained in Part 2.1 below), date of issue and/or date of adoption (in parentheses), and page and paragraph referenced:

Transitional Review Mechanism Pursuant to Section 18 on the Accession of the People's Republic of China, G/ADP/W/436 (23 October 2003) p. 2, para. 5.

2.1 Document Symbols

All WTO documents are cited by a series of symbols (numbers and letters) separated by slashes which uniquely identify the document. The order of the symbols designates the source of the document with increasing specificity.

The general order of symbols is: parent organ (or special body), subsidiary body, type of document, and any modification(s) to the document. In addition, some symbols are followed by a number indicating the chronological order of issue.

2.1.1 Document Categories

The major categories of WTO documents (and their symbols) are:

General/Administrative	WT/...	Preparatory Committee	PC/...
Goods	G/...	Negotiating Group	TS/...
Services	S/...	Press Releases	Press/...

2.1.2 Special Bodies

As an exception to the above principle, some categories are cited as the first element in the document symbol but do not reflect the major categories above. For example:

Committee on Government Procurement including Notifications:	GPA/
International Dairy Agreement:	IDA/
Council for Trade-Related Aspects of Intellectual Property Rights:	IP/C/
Committee on Trade in Civil Aircraft:	TCA/

2.1.3 Subsidiary Bodies

Common subsidiary bodies include:

Council:	.../C/...	Working Party:	.../WP/...
Informal Group:	.../IG/...	Interim Committee:	.../IC/...
Ad Hoc Group:	.../AHG/...	Technical Sub-Committee:	.../TSC/...
Independent Entity:	.../IE/...		

2.1.4 Types of Documents

Common general document types include:

Communiqué:	.../COM/...	Questions and Replies to	
Report:	.../R/...	Notifications Submitted:	.../Q1/...
Working Document:	.../W/...	Member submitted Document:	.../MEMBER/...
Minutes	.../M/...	Enquiries	.../ENQ/...
Agreements	.../TC/...	Replies to Questionnaires	.../STAT/...
Statements	.../ST/...	Airgrams	.../AIR/...
Notifications	.../N/...	Summary Records:	.../SR/...
Disputes:	.../D/...	Provisional:	.../P/...
Information Series:	.../INF/...	Special Distribution:	.../SPEC/...

2.1.5 Symbol Suffixes (Modifications)

The symbols listed in Section 2.3.5 of the Chapter for the United Nations, on page 225, may be used.

2.1.6 Examples

Committee on Anti-Dumping Practices - Ad Hoc Group on Implementation – Representatives:

G/ADP/AHG/INF/

Committee on Technical Barriers to Trade - Minutes of Meeting Held on 2 July 2003:

G/TBT/M/30

2.1.7 Document Symbol List

Committee on Anti-Dumping Practices: G/ADP/	Committee of Participants on Expansion of Trade in Information Technology Products: G/IT/	Quantitative Restrictions: G/MA/NTM/QR/	Agreement on Preshipment Inspection: G/PSI/
Committee on Anti-Dumping Practices - Informal Group on Anti-Circumvention: G/ADP/IG/	Limited: G/L/	Committee on Market Access - Modifications to Schedules: G/MA/SP/	Agreement on Preshipment Inspection - Independent Entity: G/PSI/IE/
Committee on Agriculture: G/AG/	Committee on Import Licensing: G/LIC/	Committee on Market Access (Tariffs): G/MA/TAR/	Committee on Rules of Origin: G/RO/
Committee on Agriculture - Supporting Tables Relating to Commitments on Agricultural Products in Part IV of the Schedules: G/AG/AGST/Vol.number	Committee on Market Access: G/MA/	Committee on Market Access (Tariffs) - Rectifications of and Modifications to Schedules G/MA/TAR/RS/	Rectifications of and Modifications to Schedules Annexed to the Marrakesh Protocol: G/RS/
Council for Trade in Goods: G/C/	Committee on Market Access - Integrated Data Base (IDB): G/MA/IDB/	Working Group on Notification Obligations and Procedures: G/NOP/	Schedules: G/SECRET
	Committee on Market Access - Notification Procedures for		Schedules - Submissions from Members on the transposition

of GATT/WTO schedules into the Harmonized System (HS) nomenclature: **G/SECRET/HS**

Schedules - Submissions from Members on the transposition of GATT/WTO schedules into the Harmonized System (HS) 1996 nomenclature: **G/SECRET/HS96**

Committee on Safeguards: **G/SG/**

Preparatory Committee for the WTO - Additions to Schedules Annexed to the Marrakesh Protocol to GATT 1994: **G/SP/**

Committee on Sanitary and Phytosanitary Measures: **G/SPS/**

Committee on Sanitary and Phytosanitary Measures - National Enquiry Points: **G/SPS/ENQ/**

Working Party on State Trading Enterprises: **G/STR/**

Committee on Technical Barriers to Trade: **G/TBT/**

Committee on Technical Barriers to Trade - List by Member of all standardizing bodies that have accepted the Code: **G/TBT/CS/; G/TBT/CS/N**

Textiles Monitoring Body: **G/TMB/**

Committee on Customs Valuation: **G/VAL/**

Article II (MFN) Exemptions Lists : **GATS/EL/**

Schedules of Specific Commitments: **GATS/SC/**

Committee on Government Procurement including Notifications: **GPA/**

International Dairy Agreement: **IDA/**

International Dairy Agreement - Committee on Certain Milk Products: **IDA/CMP/**

International Dairy Agreement - Inventory of Domestic Policies and Trade Measures: **IDA/INV/**

Integrated Data Base: **IDB/URM/**

Council for Trade-Related Aspects of Intellectual Property Rights: **IP/C/**

Preparatory Committee for the WTO: **PC/**

Preparatory Committee for the WTO - Sub-Committee on Budget Finance and Administration: **PC/BFA/**

Preparatory Committee for the WTO - Sub-Committee on Institutional Procedural and Legal Matters: **PC/IPL/**

Preparatory Committee for the WTO - Sub-Committee on Services: **PC/SCS/**

Preparatory Committee for the WTO - Sub-Committee on Services - Additions to Schedules: **PC/SCS/SP/**

Preparatory Committee for the WTO - Sub-Committee on Trade and Environment: **PC/SCTE/**

Press Releases: **PRESS/**

Press Releases - Trade and Environment WTO: **PRESS/TE/**

Press Releases - Trade Policy Review Body: **PRESS/TPRB/**

Council for Trade in Services: **S/C/**

Committee on Specific Commitments: **S/CSC/**

Committee on Trade in Financial Services: **S/FIN/**

Group on Basic Telecommunications: **S/GBT/**

Interim Group on Financial Services: **S/IGFS/**

Limited - Services Sector **S/L/**

Negotiating Group on Basic Telecommunications: **S/NGBT/**

Negotiating Group on Maritime Transport Services: **S/NGMTS/**

Negotiating Group on Natural Persons: **S/NGNP/**

Provisional Schedule of Specific Commitments under the GATS: **S/P/**

Working Party on GATS Rules: **S/WPGR/**

Working Party on Professional Services: **S/WPPS/**

Committee on Trade in Civil Aircraft: **TCA/**

Negotiating Group on Basic Telecommunications: **TS/NGBT/**

Negotiating Group on Maritime Transport Services: **TS/NGMTS/**

Negotiating Group on Natural Persons: **TS/NGNP/**

Airgrams from UNCTAD: **UNCTAD/WTO/AIR/**

Appellate Body - Working documents: **WT/AB/WP/**

Accessions to WTO: **WT/ACC/**

Accessions to WTO by country: **WT/ACC/COUNTRY;**

WT/ACC/SPEC/COUNTRY

Committee on Budget Finance and Administration: **WT/BFA/**

Committee on Budget Finance and Administration - Outstanding Contributions to the Budget: **WT/BFA/CONT/**

Committee on Balance-of-Payments Restrictions: **WT/BOP/**

Committee on Balance-of-Payments Restrictions - Reports from Governments: **WT/BOP/G/**

Committee on Balance-of-Payments Restrictions -

Reports by the Secretariat: **WT/BOP/S/**

Committee on Trade and Development: **WT/COMTD/**

Committee on Trade and Development - Integrated Framework for Trade-Related Technical Assistance: **WT/COMTD/IF/**

Committee on Trade and Development - Sub-Committee on Least-Developed Countries: **WT/COMTD/LDC/**

Committee on Trade and Development - Sub-Committee on Least-Developed Countries: **WT/COMTD/LLDC/**

Committee on Trade and Environment: **WT/CTE/**

Daily bulletin: **WT/DAILYB/**

Derestiction Procedures: **WT/DER/**

Derestiction Procedures - Documents proposed for derestiction: **WT/DER/P/**

Derestiction Procedures - Documents remaining restricted: **WT/DER/RM/**

Dispute Settlement Body: **WT/DSB/**

Dispute Settlement Body - Statements by the Chairman: **WT/DSB/(YEAR)/ST/**

Dispute Settlement Body - Rules of Conduct: **WT/DSB/RC/**

Dispute Settlement: **WT/DSnumber/**

Dispute Settlement - Reports of the Appellate Body: **WT/DSnumber/AB/R/**

Dispute Settlement - Report of Panels: **WT/DSnumber/R/**

General Council: **WT/GC/**

General Council – Statements: **WT/GC/(YEAR)/ST/**

Information documents: **WT/INF/**

General documents: **WT/L/**

Least developed Countries - High Level Meeting: **WT/LDC/HL/**

Letters including Notifications: **WT/Let/**

Ministerial Conference Singapore: **WT/MIN(96)/**

Ministerial Conference Singapore – Declaration: **WT/MIN(96)/DEC/**

Ministerial Conference Singapore - Summary Records: **WT/MIN(96)/SR/**

Ministerial Conference Singapore – Statements: **WT/MIN(96)/ST/**

Ministerial Conference Geneva: **WT/MIN(98)/**

Ministerial Conference Geneva – Declaration: **WT/MIN(98)/DEC/**

Ministerial Conference Geneva - Summary Records: **WT/MIN(98)/SR/**

Regional Trade: **WT/REG/**

Special distribution documents: **WT/SPEC/**

Statements - General Council: **WT/ST/**

Agreement on the Implementation of Article VI of the GATT 1994 (Anti-dumping): **WT/TC/NOTIF/ADP/**

Agreement on Agriculture: **WT/TC/NOTIF/AG/**

Understanding on the Balance-of-Payments Provisions of the GATT 1994: **WT/TC/NOTIF/BOP/**

General Agreement on Trade in Services: **WT/TC/NOTIF/GATS/**

Technical Co-operation Handbook on Notification Requirements: **WT/TC/NOTIF/INF/**

Agreement on Import Licensing Procedures: **WT/TC/NOTIF/LIC/**

Tariffs and Non-Tariff Measures: **WT/TC/NOTIF/MA/**

Agreement on Preshipment Inspection: **WT/TC/NOTIF/PSI/**

Regional Trade Agreements: **WT/TC/NOTIF/REG/**

Rules of Origin: **WT/TC/NOTIF/RO/**

Agreement on Subsidies and Countervailing Measures: **WT/TC/NOTIF/SCM/**

Agreement on Safeguards: **WT/TC/NOTIF/SG/**

Agreement on the Application of Sanitary and Phytosanitary Measures: **WT/TC/NOTIF/SPS/**

Article XVII of GATT 1994 and the WTO Understanding on the Interpretation of Article XVII (State Trading Enterprises): **WT/TC/NOTIF/STR/**

Agreement on Technical Barriers to Trade: **WT/TC/NOTIF/TBT/**

Agreement on Textiles and Clothing: **WT/TC/NOTIF/TEX/**

Trade Policy Review Mechanism: **WT/TC/NOTIF/TPR/**

Agreement on Trade-Related Investment Measures: **WT/TC/NOTIF/TRIMS/**

Agreement on Trade-Related Aspects of Intellectual

Property Rights: **WT/TC/NOTIF/TRIPS/**
Agreement on the Implementation of Article VII of the GATT 1994 (Customs Valuation): **WT/TC/NOTIF/VAL/**
Trade Policy Review Body: **WT/TPR/**

Trade Policy Review Body - Communications from: Discussants **WT/TPR/D/**
Trade Policy Review Body - Reports from Governments: **WT/TPR/G/**
Trade Policy Review Body - Overview of Developments in Trade: **WT/TPR/OV/**

Trade Policy Review Body - Reports by the Secretariat: **WT/TPR/S/**
Working Group on the Interaction between Trade and Competition Policy: **WT/WGTCP/**

Working Group on Transparency in Government Procurement: **WT/WGTGP/**
Working Group on the Relationship between Trade and Investment: **WT/WGTI/**
Airgrams (WTO): **WTO/AIR/**; **WTO/AIR/UNNUMBERED**

3.0 Jurisprudence

3.1 Panel Reports

Cite panel reports by “Panel Report on” (optional), Member State before the Panel (italicized), a dash (“ – ”), title of the dispute (italicized) including a short title (in parentheses and, optionally, preceded by “hereinafter”), document symbol (“WT/DS__/R”), date adopted, and page and/or paragraph referenced. Modification information may also follow:

Panel Report on *United States – Preliminary Determination with Respect to Certain Softwood Lumber from Canada* (hereinafter “*US – Softwood Lumber III*”), WT/DS236/R, adopted 1 September 2002, para. 7.17.

Panel Report on *United States – Anti-dumping measures on certain Hot-Rolled Steel Products from Japan* (“*US – Hot-Rolled Steel*”), WT/DS184/R, adopted 23 August 2001 as modified by Appellate Body Report, *US – Hot-Rolled Steel*, WT/DS184/AB/R, adopted 1 January 2002, para. 7.54.

Subsequent citations may refer to the short title, document symbol, and page and/or paragraph referenced.

3.2 Appellate Body Reports

Cite appellate body reports by “Appellate Body Report on” (optional), Member State before the Appellate Body, a dash (“ – ”), title of the dispute (italicized) including a short title (in parentheses and, optionally, preceded by “hereinafter”), document symbol (“WT/DS__/AB/R”), date adopted, and page and/or paragraph referenced:

Appellate Body Report on *United States – Restrictions on Imports of Cotton and Man-made Fibre Underwear* (hereinafter “*US – Cotton Underwear*”), WT/DS24/AB/R, adopted 25 February 1997, p. 15.

Subsequent citations may refer to the short title, document symbol and page and/or paragraph referenced.

4.0 Official Documents

Cite older documents published under GATT by title of the document, date, abbreviated title of the reporter (Basic Instruments and Selected Decisions, abbreviated “GATT B.I.S.D.”), volume (in parentheses), page referenced, and year:

Treatment by Germany of Imports of Sardines, Oct. 31 1952, GATT B.I.S.D. (1st Supp.) at 53 (1953).

5.0 List of Decisions

5.1 Appellate Body Decisions

The citations for these decisions (as of September 16, 2004) are as follows. Recall the addition of the phrase “Appellate Body Report on” in front of the citation. A list of Appellate Body decisions is available at: http://www.wto.org/english/tratop_e/dispu_e/ab_reports_e.htm.

- United States — Final Dumping Determination on Softwood Lumber from Canada* (“US — Softwood Lumber V”), WT/DS264/AB/R, adopted August 31, 2004.
- European Communities — Conditions for the Granting of Tariff Preferences to Developing Countries* (“EC — Tariff Preferences”), WT/DS246/AB/R, adopted April 20, 2004.
- United States — Final Countervailing Duty Determination with Respect to Certain Softwood Lumber from Canada* (“US — Softwood Lumber IV”), WT/DS257/AB/R, adopted February 17, 2004.
- United States — Sunset Review of Anti-dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan* (“US — Corrosion-Resistant Steel Sunset Review”), WT/DS244/AB/R, adopted January 9, 2004.
- Japan — Measures Affecting the Importation of Apples* (“Japan — Apples”), WT/DS245/AB/R, adopted December 10, 2003.
- United States — Definitive Safeguard Measures on Imports of Certain Steel* (“US — Steel Safeguards”), WT/DS248/AB/R, WT/DS249/AB/R, WT/DS251/AB/R, WT/DS252/AB/R, WT/DS253/AB/R, WT/DS254/AB/R, WT/DS258/AB/R, and WT/DS259/AB/R, adopted December 10, 2003.
- European Communities — Anti-dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil* (“EC — Tube or Pipe Fittings”), WT/DS219/AB/R, adopted April 24, 2003.
- European Communities — Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India — Recourse to Article 21.5 of the DSU by India* (“EC — Bed Linen (Article 21.5 — India)”), WT/DS141/AB/RW, adopted April 24, 2003.
- United States — Continued Dumping and Subsidy Offset Act of 2000* (“US — Offset Act (Byrd Amendment)”), WT/DS217/AB/R, WT/DS234/AB/R, adopted January 27, 2003.
- Canada — Measures Affecting the Importation of Milk and the Exportation of Dairy Products — Second recourse to Article 21.5 of the DSU by New Zealand and the United States* (“Canada — Dairy (Article 21.5 — New Zealand and US II)”), WT/DS103/AB/RW2, WT/DS113/AB/RW2, adopted January 17, 2003.
- United States — Countervailing Measures Concerning Certain Products from the European Communities* (“US — Countervailing Measures on Certain EC Products”), WT/DS212/AB/R, adopted January 8, 2003.
- United States — Countervailing Duties on Certain Corrosion-Resistant Carbon Steel Flat Products from Germany* (“US — Carbon Steel”), WT/DS213/AB/R, WT/DS213/AB/R/Corr.1, adopted December 19, 2002.
- European Communities — Trade Description of Sardines* (“EC — Sardines”), WT/DS231/AB/R, adopted October 23, 2002.
- Chile — Price Band System and Safeguard Measures Relating to Certain Agricultural Products* (“Chile — Price Band System”), WT/DS207/AB/R, adopted October 23, 2002.
- India — Measures Affecting the Automotive Sector* (“India — Autos”), WT/DS146/AB/R, WT/DS175/AB/R, adopted April 5, 2002.
- United States — Definitive Safeguard Measures on Imports of Circular Welded Carbon Quality Line Pipe from Korea* (“US — Line Pipe”), WT/DS202/AB/R, adopted March 8, 2002.
- Canada — Measures Affecting the Importation of Milk and the Exportation of Dairy Products — Recourse to Article 21.5 of the DSU by New Zealand and the United States* (“Canada — Dairy (Article 21.5 — New Zealand and US)”), WT/DS103/AB/RW, WT/DS113/AB/RW, adopted December 18, 2001.
- United States — Section 211 Omnibus Appropriations Act of 1998* (“US — Section 211 Appropriations Act”), WT/DS108/AB/RW, January 29, 2002.
- United States — Tax Treatment for “Foreign Sales Corporations” — Recourse to Article 21.5 of the DSU by the European Communities* (“US — FSC (Article 21.5 — EC)”), WT/DS108/AB/RW, adopted January 29, 2002.
- Mexico — Anti-Dumping Investigation of High Fructose Corn Syrup (HFCS) from the United States — Recourse to Article 21.5 of the DSU by the United States* (“Mexico — Corn Syrup (Article 21.5 — US)”), WT/DS132/AB/RW, adopted November 21, 2001.
- United States — Import Prohibition of Certain Shrimp and Shrimp Products — Recourse to Article 21.5 of the DSU by Malaysia* (“US — Shrimp (Article 21.5 — Malaysia)”), WT/DS58/AB/RW, adopted November 21, 2001.
- United States — Transitional Safeguard Measure on Combed Cotton Yarn from Pakistan* (“US — Cotton Yarn”), WT/DS192/AB/R, adopted November 5, 2001.
- United States — Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan* (“US — Hot-Rolled Steel”), WT/DS184/AB/R, adopted August 23, 2001.
- United States — Safeguard Measures on Imports of Fresh, Chilled or Frozen Lamb Meat from New Zealand and Australia* (“US — Lamb”), WT/DS177/AB/R, WT/DS178/AB/R, adopted May 16, 2001.
- Thailand — Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H-Beams from Poland* (“Thailand — H-Beams”), WT/DS122/AB/R, adopted April 5, 2001.
- European Communities — Measures Affecting Asbestos and Asbestos-Containing Products* (“EC — Asbestos”), WT/DS135/AB/R, adopted April 5, 2001.
- United States — Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities* (“US — Wheat Gluten”), WT/DS166/AB/R, adopted January 19, 2001.
- United States — Import Measures on Certain Products from the European Communities* (“US — Certain EC Products”), WT/DS165/AB/R, adopted January 10, 2001.
- Korea — Measures Affecting Imports of Fresh, Chilled and Frozen Beef* (“Korea — Various Measures on Beef”), WT/DS161/AB/R, WT/DS169/AB/R, adopted January 10, 2001.
- Canada — Term of Patent Protection* (“Canada — Patent Term”), WT/DS170/AB/R, adopted September 18, 2000.

- United States — Anti-Dumping Act of 1916, Complaint by the European Communities, Complaint by Japan (“US — 1916 Act”)*, WT/DS136/AB/R, WT/DS162/AB/R, adopted September 26, 2000.
- Canada — Measures Affecting the Export of Civilian Aircraft, Recourse by Brazil to Article 21.5 of the DSU (“Canada — Aircraft (Article 21.5 — Brazil)”)* WT/DS70/AB/R, adopted August 4, 2000.
- Brazil — Export Financing Programme for Aircraft, Recourse by Canada to Article 21.5 of the DSU (“Brazil — Aircraft (Article 21.5 — Canada)”)*, WT/DS46/AB/RW, adopted August 4, 2000.
- Canada — Certain Measures Affecting the Automotive Industry (“Canada — Autos”)*, WT/DS139/AB/R, WT/DS142/AB/R, adopted June 19, 2000.
- United States — Imposition of Countervailing Duties on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products Originating in the United Kingdom (“US — Lead and Bismuth II”)*, WT/DS138/AB/R, adopted June 7, 2000.
- United States — Tax Treatment for “Foreign Sales Corporations” (“US — FSC”)*, WT/DS108/AB/R, adopted March 20, 2000.
- Korea — Definitive Safeguard Measure on Imports of Certain Dairy Products (“Korea — Dairy”)*, WT/DS98/AB/R, adopted January 12, 2000.
- Argentina — Safeguard Measures on Imports of Footwear (“Argentina — Footwear (EC)”)*, WT/DS121/AB/R, adopted January 12, 2000.
- Chile — Taxes on Alcoholic Beverages (“Chile — Alcoholic Beverages”)*, WT/DS87/AB/R, WT/DS110/AB/R, adopted January 12, 2000.
- Turkey — Restrictions on Imports of Textile and Clothing Products (“Turkey — Textiles”)*, WT/DS34/AB/R, adopted November 19, 1999.
- Canada — Measures Affecting the Importation of Milk and the Exportation of Dairy Products (“Canada — Dairy”)*, WT/DS103/AB/R, WT/DS113/AB/R, adopted October 27, 1999.
- India — Quantitative Restrictions on Imports of Agricultural, Textile and Industrial Products (“India — Quantitative Restrictions”)*, WT/DS90/AB/R, adopted September 22, 1999.
- Canada — Measures Affecting the Export of Civilian Aircraft Canada — Aircraft* WT/DS70/AB/R, adopted August 20, 1999.
- Brazil — Export Financing Programme for Aircraft (“Brazil — Aircraft”)*, WT/DS46/AB/R, adopted August 20, 1999.
- Japan — Measures Affecting Agricultural Products (“Japan — Agricultural Products I”)*, WT/DS76/AB/R, adopted March 19, 1999.
- Korea — Taxes on Alcoholic Beverages (“Korea — Alcoholic Beverages”)*, WT/DS75/AB/R, WT/DS84/AB/R, adopted February 17, 1999.
- Guatemala — Anti-Dumping Investigation Regarding Portland Cement from Mexico (“Guatemala — Cement I”)*, WT/DS60/AB/R, adopted November 25, 1998.
- Australia — Measures Affecting Importation of Salmon (“Australia — Salmon”)*, WT/DS18/AB/R, adopted November 6, 1998.
- United States — Import Prohibition of Certain Shrimp and Shrimp Products (“US — Shrimp”)*, WT/DS58/AB/R, adopted November 6, 1998.
- European Communities — Measures Affecting the Importation of Certain Poultry Products (“EC — Poultry”)*, WT/DS69/AB/R, adopted July 23, 1998.
- European Communities — Customs Classification of Certain Computer Equipment (“EC — Computer Equipment”)*, WT/DS62/AB/R, WT/DS67/AB/R, WT/DS68/AB/R, adopted June 22, 1998.
- Argentina — Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items (“Argentina — Textiles and Apparel”)*, WT/DS56/AB/R, WT/DS56/AB/R/Corr.1, adopted April 22, 1998.
- European Communities — Measures Concerning Meat and Meat Products (Hormones) (“EC — Hormones”)*, WT/DS26/AB/R, WT/DS48/AB/R, adopted February 13, 1998.
- India — Patent Protection for Pharmaceutical and Agricultural Chemical Products (“India — Patents (US)”)*, WT/DS50/AB/R, adopted January 16, 1998.
- European Communities — Regime for the Importation, Sale and Distribution of Bananas (“EC — Bananas III”)*, WT/DS27/AB/R, adopted September 25, 1997.
- Canada — Certain Measures Concerning Periodicals (“Canada — Periodicals”)*, WT/DS31/AB/R, adopted July 30, 1997.
- United States — Measure Affecting Imports of Woven Wool Shirts and Blouses from India (“US — Wool Shirts and Blouses”)*, WT/DS33/AB/R, WT/DS33/AB/R/Corr.1, adopted May 23, 1997.
- Brazil — Measures Affecting Desiccated Coconut (“Brazil — Desiccated Coconut”)*, WT/DS22/AB/R, adopted March 20, 1997.
- United States — Restrictions on Imports of Cotton and Man-made Fibre Underwear (“US — Underwear”)*, WT/DS24/AB/R, adopted February 25, 1997.
- Japan — Taxes on Alcoholic Beverages (“Japan — Alcoholic Beverages II”)*, WT/DS8/AB/R, WT/DS10/AB/R, WT/DS11/AB/R, adopted November 1, 1996.
- United States — Standards for Reformulated and Conventional Gasoline (“US — Gasoline”)*, WT/DS2/AB/R, adopted May 20, 1996.

5.2 Panel Decisions

A list of panel decisions is found at http://www.wto.org/english/tratop_e/distabase_e.htm.

III. SELECTED REFERENCES

JEANNE REHBERG, N.Y.U. LAW LIBRARY, WTO AND GATT RESEARCH GUIDE (2004), *at* <http://www.law.nyu.edu/library/wtguide.html>.

J.H.H. WEILER & S. CHO, INTERNATIONAL AND REGIONAL TRADE LAW: THE LAW OF THE WORLD TRADE ORGANIZATION (2004), *at* <http://www.jeanmonnetprogram.org/wto/Units/index.html>.

THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS (Cambridge University Press, 1999).

WTO SECRETARIAT, GUIDE TO THE URUGUAY ROUND AGREEMENTS (Kluwer Law International, 1999).

I. MAJOR INTERNATIONAL TRIBUNALS

1.0 International Court of Justice (ICJ)

See page 228.

2.0 International Tribunal for the Law of the Sea (ITLOS)

Cite ITLOS decisions by title (italicized), name of the parties (in parentheses, italicized, and separated by “v.”), nature of the decision (italicized), “Order of”, date (italicized), title of the reporter in which the decision is published (“ITLOS Reports”), year, and page referenced:

M/V Saiga (No. 2), Provisional Measures, Order of 11 March 1998, ITLOS Reports 1998, p. 24.

Southern Bluefin Tuna (Australia v. Japan; New Zealand v. Japan), Provisional Measures, Order of 27 August 1999, ITLOS Reports 2000, p. 3.

The Mox Plant Case (Ireland v. United Kingdom), Order of 13 November 2001, ITLOS Reports 2001, p. 5.

3.0 World Trade Organization Dispute Settlement Body (WTO-DSB)

See page 253.

4.0 Human Rights Commission (HRC)

**Committee on Economic, Social and Cultural Rights (CESCR),
Committee on the Rights of the Child (CRC),
and other international human rights commissions**

4.1 Communications

Cite communications by committee, title of the communication (italicized), communication number and year [“Communication no.” number/year] (in parentheses), and official source if available (e.g., U.N. Document).

Human Rights Committee, *Mikmaq Tribal Society v. Canada* (Communication no. 205/1986).

4.2 General Comments

Cite general comments by committee, “General Comment” and comment number, subdivision referenced, session and date (in parentheses), and official source if available (e.g., UN Document):

Human Rights Committee, General Comment 23, Art. 27 (Fiftieth session, 1994),
Compilation of General Comments and General Recommendations Adopted by Human
Rights Treaty Bodies, U.N. Doc. HRI\GEN\1\Rev.1 at 38 (1994).

II. CRIMINAL TRIBUNALS

1.0 International Criminal Court (ICC)

As of February 2005 no cases have come before the ICC.

2.0 International Criminal Tribunal for the former Yugoslavia (ICTY)

2.1 Common-Form Citations

Cite ICTY cases by name of the parties (separated by “v.”), “Case No.” and case number, “ICTY”, and date (in parentheses):

Prosecutor v. Vasiljevic, Case No. IT-98-32-A ICTY (25 Feb. 2004).

2.2 Formal Citations

Cite ICTY cases formally by type of decision, name of the defendant (italicized), case number (in parentheses), court, date, and paragraph referenced:

Judgment, *Aleksoviksi* (IT-95-14/1-A), Appeals Chamber, 24 March 2000, para. 63.

3.0 International Criminal Tribunal for Rwanda (ICTR)

3.1 Common-Form Citations

Cite ICTR cases by name of the parties (separated by “v.”), “Case No.” and case number, and date (in parentheses):

Prosecutor v. Serushago, Case No. ICTR-98-39-A (3 April 2001).

3.2 Formal Citations

Cite ICTR cases formally by type of decision, name of the defendant (italicized), case number (in parentheses), court, date, and paragraph referenced:

Judgment, *Serushago* (ICTR-98-39-A), Appeals Chamber, 3 April 2001.

III. HYBRID COURTS (International & Domestic)

1.0 Crimes Panels of the District Court of Dili (East Timor)

1.1 Panel Decisions

Cite panel decisions by “Criminal Case No.,” followed by case number, year and “PD. Dil.” (separated by backslashes), and “of the Special Crimes Panel of Dili District Court”:

Criminal Case No. 02/PID.C.G./2000/PD.Dil. of the Special Crimes Panel of Dili District Court.

1.2 Appeals

Cite appeals by “Criminal Appeal No.,” case number, year, and “Arising from the Original” followed by a reference to the original panel decision:

Criminal Appeal No. 7 of 2001, Arising from the Original Criminal Case No. 02/PID.C.G./2000/PD.Dil. of the Special Crimes Panel of Dili District Court.

2.0 Special Court for Sierra Leone (SCSL)

Cite SCSL cases by name of the parties (separated by “v.”), “Case No.” and case number, and date (in parentheses):

Prosecution v. Sankoh, Case No. SCSL-2003-02-PT (23 May 2003).

3.0 “Regulation 64” Panels in the Courts of Kosovo

No cases have been brought as of March 1, 2005.

4.0 Extraordinary Chambers in the Courts of Cambodia

No cases have been brought as of March 1, 2005.

IV. REGIONAL COURTS

A. EUROPE

1.0 European Court of Justice (ECJ) & Court of First Instance (EFI)

See page 238.

2.0 European Court of Human Rights (ECHR)

The ECHR is an organ of the Council of Europe, which is an international organization distinct from the Communities or the EU, with a broad membership of more than 40 states.

2.1 Decisions after November 1, 1998 (entry into force of Protocol 11)

Cite cases decided on or after November 1, 1998 by name of the parties (italicized and separated by “v.”), type of decision (in parentheses) (note: a judgment on the merits has no designation), or, if decided by the Grand Chamber, “[GC]”, case number, section(s) referenced, date (optional), and abbreviated title of the reporter in which the case is published (“ECHR”), year, and volume:

Brumarescu v. Romania [GC], no. 28342/95, §§ 52-53, ECHR 1999-VII.

Hasan and Chaush v. Bulgaria [GC], no. 30985/96, §84, ECHR 2000-XI.

Messina v. Italy (dec.), no. 25498/94, ECHR 1999-V.

Malhous v. the Czech Republic (dec.) [GC], no. 33071/96, 13 December 2000, ECHR 2000-XII.

Smith and Grady v. the United Kingdom (just satisfaction), nos. 33985/96 and 33986/96, § 13, 25 July 2000, ECHR 2000-IX.

Akman v. Turkey (striking out), no. 37453/97, ECHR 2001-VI.

Types of decisions (and their short forms) are:

- Decisions on admissibility (dec.)
- Preliminary objections (preliminary objections)
- Judgments for just satisfaction (just satisfaction)
- Judgments regarding revision (revision)
- Judgments on interpretations (interpretation)
- Judgments striking the case delivered by a Chamber (striking out)
- Judgments regarding a friendly settlement (friendly settlement)

2.1.1 Unreported Decisions before November 1, 1998

Cite unreported cases decided before November 1, 1998 by name of the parties (italicized and separated by “v.”), case number, section(s) referenced, date, and “unreported”:

Davies v. the United Kingdom, no. 42007/98, § 38, 16 July 2002, unreported.

2.1.2 Decisions of the Pre-1999 European Court of Human Rights (1959 – 1998)

Cite reported cases decided prior January 1, 1999 by name of the parties (italicized and separated by “v.”), “judgment of” and date, type of decision (if not a final judgment), reporter in which the case is published; for cases decided from 1959 to 1996 [“Series A no.”, case number, and page referenced]; for cases decided from 1997 to 1999 [“Reports”, year, volume, and page referenced], and section referenced:

Ireland v. the United Kingdom, judgment of 18 January 1978, Series A no. 25, p. 65, §161.

McCann and Others v. the United Kingdom, judgment of 27 September 1995, Series A no. 324, pp. 45-46, §§ 146-147.

Aerts v. Belgium, judgment of 30 July 1998, Reports 1998-V, p. 1961, § 46.

Loizidou v. Turkey, judgment of 23 March 1995 (*preliminary objections*), Series no. 310, p. 19, § 44.

3.0 The European Commission of Human Rights (1954 – 1998)

3.1 Decisions

Cite cases by name of the parties (italicized and separated by “v.”), case number, “Commission report of” and date, and reporter in which the case is published by abbreviated title, volume and page referenced, or “unreported”:

N. v. Sweden, no. 11366/85, Commission decision of 16 October 1986, DR 50, p. 173.

Stewart-Brady v. the United Kingdom, nos. 27436/95 and 28406/95, Commission decision of 2 July 1997, DR 90, p. 45.

Lupker and Others v. the Netherlands, no. 18395/91, Commission decision of 7 December 1992, unreported.

The reporters publishing the decisions include:

1958-1971: Collection of Decisions of the ECHR
1971-1998: Decisions and Reports (DR)

4.0 Court of Justice of the European Free Trade Agreement (EFTA)

Cite cases by “Case” and case number [“E”-number/last two digits of the year], name of the parties (italicized and separated by “v”), and reporter in which the case is published by year (in square brackets), abbreviated title of the reporter (“EFTA Ct. Rep.”) and volume, or “not yet reported”, and page and paragraph referenced:

Case E-8/97 *TV 1000 Sverige v Norway* [1998] EFTA Ct. Rep. 68, at paragraph 26.

Case E-2/02 *Technologien Bau- und Wirtschaftsberatung and Bellona v EFTA*.

Surveillance Authority, judgement of 19 June 2003, not yet reported, at paragraph 37.

More information is available at: http://www.eftacourt.lu/pdf/E_2_03Decision.pdf.

5.0 Benelux Economic Union Court of Justice (*Benelux-Gerechtshof*)

Cite cases by title (italicized), “Benelux Court of Justice” or “Benelux-Gerechtshof”, date, “Case” and case number, title of the reporter in which the case is published, volume, and location in the reporter (e.g., case number or first page of the case):

Christian Dior perfumes, Benelux Court of Justice, 16 December 1998, Case A-95/4, *Nederlandse Jurisprudentie* 2001, No 133.

B. THE AMERICAS

1.0 Inter American Court of Human Rights (IACtHR)

1.1 Judgments and Decisions

Cite cases by title of the court (“I/A Court H.R.”), title of the case (italicized), type of decision (“Judgment”, “Provisional measures”, etc.), date (optional), series of the reporter in which the case is published, case number in the reporter, and the paragraph referenced:

I/A Court H.R., *Velasquez Rodriguez case*, Judgment of July 29, 1986, Series C, No. 4, para. 167.

I/A Court H.R., *Bulacio Case*, Judgment of September 18, 2003, Series C, No. 100, paras. 116-118.

1.2 Advisory Opinions

Cite advisory opinions by title of the court (“I/A Court H.R.”), title of the case (italicized), “Advisory Opinion”, case number, date, series of the reporter in which the case is published, case number in the reporter, and paragraph referenced:

I/A Court H.R., *The Word “Laws” in Article 30 of the American Convention of Human Rights*, Advisory Opinion OC-6/86 of May 9, 1986, Series A, No.65, para. 29.

1.3 Separate Opinions

Cite separate opinions by title of the court (“I/A Court H.R.”) and “Separate opinion of [name of the judge]”, followed by the case citation as indicated above:

I/A Court H.R., Separate opinion of Judge Rodolfo E. Piza Esoalante, *Enforceability of the Right to Reply or Correction (Articles 14.1, 1.1 and 2 of the American Convention on Human Rights)*. Advisory Opinion OC-7/86 of August 29, 1986, Series A, No.7, para. 25.

C. AFRICA

1.0 Common Court of Justice and Arbitration for the Organization for the Harmonization of Corporate Law in Africa (OHADA)

Cases are cited in French by name of the court, (“Arrêt No”) and case number, date, and name of the parties (separated by “contre” or “c/”). Sections 1.1 to 1.3 give examples for various courts.

1.1 Cour d’Appel

Cour d’Appel d’Abidjan, Arrêt No 1036 du 30 Juillet 2003, (QUATTARA IDRISSE C/ Société COASTAL TRADING COMPAGNY dite CTC).

Cour d’Appel d’Abidjan, Arrêt No 981 du 15 Juillet 2003, (La SIB C/ M. HASSAN DRAMERA et Mme DEMBA NENE).

Cour d’appel d’Abidjan, Arrêt No 685 du 30 mai 2003, (Ecobank c/ Société Dalyna Voyages Travel Agency).

1.2 Tribunal Régional Hors Classe de Dakar

Tribunal Régional Hors Classe de Dakar, jugement du 26 mai 2003, Félicien SANCHEZ contre Elisabeth FONSECA.

Tribunal Régional Hors Classe de Dakar, ordonnance due mai 19 2002, Thierno MANE et autres contre SENELEC et SDE.

1.3 La Cour Commune de Justice et d’Arbitrage (CCJA, the Common Court of Justice and Arbitration)

CCJA, Arrêt no 005/2003 due 24 avril 2003 (BICICI c/ D.M. et BDM et fils), Le Juris-Ohada, no 2/2003, avril-juin 2003, p.14, note anonyme.

CCJA, Arrêt No 008/2003 due 24 avril 2003 (A.K. C./ H.M.), Le Juris-Ohada, no 2/2003, avril-juin 2003, note anonyme.

2.0 Court of Justice of the Common Market for Eastern and Southern Africa (COMESA)

Cite cases by name of the parties (italicized and separated by “vs.”), name of the court (“COMESA Court of Justice”), type of application, case number and year, and decision type and date (in square brackets):

Martin Ogang vs. Eastern and Southern African Trade and Development Bank and Dr. Michael Gondwe, COMESA Court of Justice, Consolidated Interlocutory Applications No. 1A/2000 and 1C/2000. [JUDGMENT OF 30/3/2001].

Bilika Harry Simamba vs. Common Market for Eastern and Southern Africa, COMESA Court of Justice, Reference No. 3/2002. [ORDER OF 25/10/2002].

3.0 African Court of Human and Peoples’ Rights (ACHPR)

3.1 Court Decisions

The ACHPR is under the umbrella of the African Commission on Human and Peoples’ Rights. It decides cases involving the interpretation of Commission communications and other relevant human rights instruments.

Cite cases by title (including communication number), name of the parties (in parentheses and separated by “v.” or “vs.”), case number, and name of the Commission (African Comm. Hum. & Peoples' Rights) and date (in parentheses):

Decision Regarding Communication 155/96 (Social and Economic Rights Action Center/Center for Economic and Social Rights v. Nigeria), Case No. ACHPR/COMM/A044/1 (Afr. Comm'n Hum. & Peoples' Rts. May 27, 2002).

3.2 Commission Communications

Cite commission communications by name of the parties (separated by “v.” or “vs.”), name of the Commission (African Comm. Hum. & Peoples' Rights), communication number, and date or “not dated” (in parentheses):

Andre Houver vs. Morocco, African Comm. Hum. & Peoples' Rights, Comm. No. 41/90 (March 28, 1990).

International PEN vs. Malawi, Ethiopia, Cameroon, Kenya, African Comm. Hum. & Peoples' Rights, Comm. No. 19/88 (August 30, 1989).

Significant Multilateral Treaties, Declarations and Documents, by Topic

A. CITATION STANDARDS

1.0 Treaties and Conventions

Generally cite treaties by official title, short or common title if desired (in square brackets) (note: short title may alternatively be placed at the end of the citation), city of signature (optional) and date of completion (in parentheses or set off by commas), parties to the treaty (for bilateral treaties), one or more official or unofficial sources (in the order described below; each source is cited according to its own standard), date of entry into force (in parentheses or set off by commas), any relevant amendment information (if available), and subdivision referenced:

International Convention on the Elimination of All Forms of Racial Discrimination (New York, 7 Mar. 1966) 660 U.N.T.S. 195, 5 I.L.M. 352 (1966), *entered into force* 4 Jan. 1969, Art 1.

Note: In practice, the name of the city where the treaty was signed is often omitted. In such a case, the date of completion should be set off by commas:

International Convention on the Elimination of All Forms of Racial Discrimination, 7 Mar. 1966, 660 U.N.T.S. 195, 5 I.L.M. 352 (1966), *entered into force* 4 Jan. 1969.

For citations in articles having a distribution to a mostly domestic audience, the first source should be a national treaty source from that country, followed by an intergovernmental treaty source (such as the U.N.T.S.) and an unofficial source.

For citations in articles having an international distribution, the first source should be an intergovernmental treaty source (such as the U.N.T.S.), followed by a national treaty source and an unofficial treaty source.

Cite treaties in volumized sources for United States' consumption by volume of the reporter, abbreviated title, and page referenced:

660 U.N.T.S. 195.

Cite treaties in volumized sources for consumption outside the United States by abbreviated title of the reporter, volume, and page referenced:

U.N.T.S., vol. 660, p. 195.

1.1 Treaty Sources

Note: Section 2.3 of many country profiles in this manual lists the official treaty sources of their respective States.

Intergovernmental Treaty Sources:

United Nations Treaty Series (1946-date):

x U.N.T.S. xxx

Pan-American Treaty Series (1949-date):

x Pan-Am. T.S. xxx

European Treaty Series (1948-date):

Europ. T.S. No. x

League of Nations Treaty Series (1920-1945):

x L.N.T.S. xxx

Unofficial Treaty Sources

International Legal Materials (1962-date):

x I.L.M. xxx (Year)

Hein's United States Treaties and Other International Agreements (1984-date)

Hein's No. KAV xxxx

Bevans (1776-1949):

x Bevans xxx

Nouveau Recueil General des Traits (1494-1943):

x Martens Nouveau Recueil (ser. X) xxx

Parry's Consolidated Treaty Series (1648-1919):

x Consol. T.S. xxx

B. MAJOR TREATIES, DECLARATIONS, AND OTHER DOCUMENTS

1.0 Founding UN Documents

Charter of the United Nations (San Francisco, 26 June 1945), 3
Bevans 1153, 59 Stat. 1031, T.S. No. 993, *entered into force* 24
Oct. 1945.

Statute of the International Court of Justice (San Francisco, 26 June
1945), 3 Bevans 1179, 59 Stat. 1055, T.S. No. 993, *entered into
force* 24 Oct. 1945.

2.0 Diplomatic Relations, Consular Relations, Privileges and Immunities

Convention on the Privileges and Immunities of the United Nations
(New York, 13 Feb. 1946) 1 U.N.T.S. 15, *entered into force* 17
Sept. 1946.

Convention on the Privileges and Immunities of the Specialized
Agencies (New York, 21 Nov. 1947) 33 U.N.T.S. 261, *entered
into force* 2 Dec. 1948.

Vienna Convention on Diplomatic Relations (Vienna, 18 April 1961)
500 U.N.T.S. 95, 23 U.S.T. 3227, T.I.A.S. No. 7520, *entered
into force* 24 April 1964.

Optional Protocol to the Vienna Convention on Diplomatic Relations,
concerning Acquisition of Nationality (Vienna, 18 April 1961)
500 U.N.T.S. 223, *entered into force* 24 April 1964.

Optional Protocol to the Vienna Convention on Diplomatic Relations,
concerning the Compulsory Settlement of Disputes (Vienna, 18
April 1961) 500 U.N.T.S. 241, *entered into force* 24 April 1964.

Vienna Convention on Consular Relations (Vienna, 24 April 1963)
596 U.N.T.S. 261, 21 U.S.T. 77, T.I.A.S. No. 6820, *entered into
force* 19 Mar. 1967.

3.0 Human Rights

- Convention on the Prevention and Punishment of the Crime of Genocide (New York, 9 Dec. 1948) 78 U.N.T.S. 277, *entered into force* 12 Jan. 1951.
- Universal Declaration of Human Rights (10 Dec. 1948), U.N.G.A. Res. 217 A (III) (1948).
- European Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 Nov. 1950), 312 E.T.S. 5, *as amended by* Protocol No. 3, E.T.S. 45; Protocol No. 5, E.T.S. 55; Protocol No. 8, E.T.S. 118; and Protocol No. 11, E.T.S. 155; *entered into force* 3 Sept. 1953 (Protocol No. 3 *on* 21 Sept. 1970, Protocol No. 5 *on* 20 Dec. 1971, Protocol No. 8 *on* 1 Jan 1990, Protocol 11 *on* 11 Jan 1998).
- International Convention on the Elimination of All Forms of Racial Discrimination (New York, 7 Mar. 1966) 660 U.N.T.S. 195, 5 I.L.M. 352 (1966), *entered into force* 4 Jan. 1969.
- International Covenant on Economic, Social and Cultural Rights (New York, 16 Dec. 1966) 993 U.N.T.S. 3, *entered into force* 3 Jan. 1976.
- International Covenant on Civil and Political Rights (New York, 16 Dec. 1966) 999 U.N.T.S. 171 and 1057 U.N.T.S. 407, *entered into force* 23 Mar. 1976 [the provisions of article 41 (Human Rights Committee) *entered into force* 28 Mar. 1979].
- Optional Protocol to the International Covenant on Civil and Political Rights (New York, 16 Dec. 1966) 999 U.N.T.S., 171, 6 I.L.M. 383 (1967), *entered into force* 23 Mar. 1976.
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (New York, 15 Dec. 1989) UN Doc. A/RES/44/128, *entered into force* 11 July 1991.
- International Convention on the Suppression and Punishment of the Crime of Apartheid (New York, 30 Nov. 1973) 1015 U.N.T.S. 243, *entered into force* 18 July 1976.
- American Convention on Human Rights (San Jose, Costa Rica, 22 Nov. 1969), 9 I.L.M. 673 (1970), *entered into force* 18 July 1978.
- Convention on the Elimination of All Forms of Discrimination against Women (New York, 18 Dec. 1979) 1249 U.N.T.S. 13, 19 I.L.M. 33 (1980), *entered into force* 3 Sept. 1981.
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- African Charter on Human and Peoples' Rights [Banjul Charter] (Nairobi, Kenya, 27 June 1981), 21 I.L.M. 59 (1981), *entered into force* 21 Oct. 1986.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New York, 10 Dec. 1984) 1465 U.N.T.S. 85, 23 I.L.M. 1027 (1984), *as modified by* 24 I.L.M. 535 (1985), *entered into force* 26 June 1987.
- International Convention against Apartheid in Sports (New York, 10 Dec. 1985) 1500 U.N.T.S. 161, *entered into force* 3 April 1988.
- Convention on the Rights of the Child (New York, 20 Nov. 1989) 1577 U.N.T.S. 3, 28 I.L.M. 1448 (1989), *entered into force* 2 Sept. 1990.
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4.0 Refugees and Stateless Persons

- Constitution of the International Refugee Organization (New York, 15 Dec. 1946) 18 U.N.T.S. 3, *entered into force* 20 Aug. 1948.
- Convention relating to the Status of Refugees (Geneva, 28 July 1951) 189 U.N.T.S. 137, *entered into force* 22 April 1954.
- Convention relating to the Status of Stateless Persons (New York, 28 Sept. 1954) 360 U.N.T.S. 117, *entered into force* 6 June 1960.
- Protocol relating to the Status of Refugees (New York, 31 Jan. 1967) 606 U.N.T.S. 267, *entered into force* 4 Oct. 1967.

5.0 Narcotic Drugs

- Protocol amending the Agreements, Conventions and Protocols on Narcotic Drugs concluded at The Hague on 23 Jan. 1912, at Geneva on 11 Feb. 1925, 19 Feb. 1925 and 13 July 1931, at Bangkok on 27 Nov. 1931 and at Geneva on 26 June 1936 (Lake Success, New York, 11 Dec. 1946) 12 U.N.T.S. 179, *entered into force* 11 Dec. 1946.
- Protocol Bringing under International Control Drugs Outside the Scope of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol signed at Lake Success, New York, on 11 Dec. 1946 (Paris, 19 Nov. 1948) 44 U.N.T.S. 277, *entered into force* 1 Dec. 1949.
- Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium (New York, 23 June 1953) 456 U.N.T.S. 3, *entered into force* 8 Mar. 1963.
- Single Convention on Narcotic Drugs (1961 New York, 30 Mar. 1961) 520 U.N.T.S. 151, *entered into force* 13 Dec. 1964.
- Protocol amending the Single Convention on Narcotic Drugs, 1961 (Geneva, 25 Mar. 1972) 976 U.N.T.S. 3, *entered into force* 8 Aug. 1975.
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- Convention on Psychotropic Substances (Vienna, 21 Feb. 1971) 1019 U.N.T.S. 175, *entered into force* 16 Aug. 1976.
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 20 Dec. 1988) UN Doc. E/CONF.82/15/Corr.1 and Corr.2 (English only) *entered into force* 11 Nov. 1990.

6.0 Traffic in Persons

- International Convention for the Suppression of the White Slave Traffic (signed at Paris on 4 May 1910, amended by the Protocol signed at Lake Success, New York, 4 May 1949) 98 U.N.T.S. 101, *entered into force* 14 Aug. 1951.

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York, 21 Mar. 1950) 96 U.N.T.S. 271, *entered into force* 25 July 1951.

7.0 Obscene Publications

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8.0 Health

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and Protocol concerning the Office international d'hygiène publique) (New York, 22 July 1946) 9 U.N.T.S. 3, *entered into force* 20 Oct. 1947.

9.0 International Trade and Development

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Agreement establishing the African Development Bank (Khartoum, 4 Aug. 1963) 510 U.N.T.S. 3 and 569 U.N.T.S. 353 (corrigendum to vol. 510), *entered into force* 10 Sept. 1964.
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International Convention to Facilitate the Importation of Commercial Samples and Advertising Material (Geneva, 7 Nov. 1952) 221 U.N.T.S. 255, *entered into force* 20 Nov. 1955.
Convention concerning Customs Facilities for Touring (New York, 4 June 1954) 276 U.N.T.S. 191, 596 U.N.T.S. 542 (amendment to article 2), *entered into force* 11 Sept. 1957.

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11.2 Road Traffic

Convention on Road Traffic (Geneva, 19 Sept. 1949) 125 U.N.T.S. 3, *entered into force* 26 Mar. 1952.
Convention on Road Traffic (Vienna, 8 Nov. 1968) 1042 U.N.T.S. 17, *entered into force* 21 May 1977.

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12.0 Navigation

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Convention on a Code of Conduct for Liner Conferences (Geneva, 6 April 1974) 1334 U.N.T.S. 15, *entered into force* 6 Oct. 1983.

13.0 Education and Cultural Matters

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Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms (Geneva, 29 Oct. 1971) 866 U.N.T.S. 67, *entered into force* 18 April 1973.
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14.0 Status of Women

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15.0 Criminal Matters

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Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents

(New York, 14 Dec. 1973) 1035 U.N.T.S. 167, *entered into force* 20 Feb. 1977.
Convention on the Safety of United Nations and Associated Personnel (New York, 9 Dec. 1994) 2051 U.N.T.S. 363, *entered into force* 15 Jan. 1999.
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International Convention for the Suppression of the Financing of Terrorism (New York, 9 Dec. 1999) UN Doc. A/RES/54/109, *entered into force* 10 April 2002.
United Nations Convention against Transnational Organized Crime (New York, 15 Nov. 2000) UN Doc. A/55/383, *entered into force* 29 Sept. 2003.

16.0 Legal Harmonization

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17.0 Commodities

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International Tropical Timber Agreement, 1994 (Geneva, 26 Jan. 1994) 1955 U.N.T.S. 81, *entered into force provisionally* 1 Jan. 1997.

International Coffee Agreement 2001 (London, 28 Sept. 2000) Resolution No. 393 of the International Coffee Council, *entered into force* 1 Oct. 2001.

18.0 Maintenance of Obligations

Convention on the Recovery Abroad of Maintenance (New York, 20 June 1956) 268 U.N.T.S. 3, *entered into force* 25 May 1957.

19.0 Law of the Sea

Convention on the Territorial Sea and the Contiguous Zone (Geneva, 29 April 1958) 516 U.N.T.S. 205, 15 U.S.T. 1606, T.I.A.S. No. 5639, *entered into force* 10 Sept. 1964.

Convention on the High Seas (Geneva, 29 April 1958) 450 U.N.T.S. 11, 13 U.S.T. 2312, T.I.A.S. No. 5200, *entered into force* 30 Sept. 1962.

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20.0 Commercial Arbitration and Investment

Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 10 June 1958) 330 U.N.T.S. 3; 21 U.S.T. 2517; T.I.A.S. No. 6997, *entered into force* 7 June 1959.

Convention on the Settlement of Investment Disputes Between States and Nationals of Other States [ICSID Convention] (Washington, 18 March 1965), 575 U.N.T.S. 159; 17 U.S.T. 1270; T.I.A.S. No. 6090, *entered into force* 14 Oct. 1966.

21.0 Law of Treaties

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22.0 Outer Space

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Convention on International Liability for Damage Caused by Space Objects (Washington, 29 March 1972), 961 U.N.T.S.

187; 24 U.S.T. 2389; T.I.A.S. No. 7762, *entered into force* 1 Sept. 1972.

Convention on Registration of Objects Launched into Outer Space (New York, 12 Nov. 1974) 1023 U.N.T.S. 15, *entered into force* 15 Sept. 1976.

23.0 Antarctica

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24.0 Disarmament

Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (New York, 10 Dec. 1976) 1108 U.N.T.S. 151, *entered into force* 5 Oct. 1978.

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25.0 Environment

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Convention on Long-range Transboundary Air Pollution (Geneva, 13 Nov. 1979) 1302 U.N.T.S. 217, *entered into force* 16 Mar. 1983.

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