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Introduction

This is our eighth edition of the NATO Legal Electronic Gazette. This edition contains an article written by German attorneys completing their internship at SACT SEE, information about a free internet international law research tool, a summary of a working group held at IHL, a review of the NATO CAOC Commander's Conference, a synopsis of briefings given by ACT Legal Advisors in Albania, and decisions of national courts that are of interest to the NATO legal community. We continue with our usual features of hails and farewells, spotlighting one of our legal officers, providing general interest items, and a calendar of upcoming courses or events. We aim for each edition to be between 10-15 pages in length with articles written in a conversational tone. If you have an article of common NATO interest, we look forward to sharing it with our community through publication in the Gazette.

We will endeavor to publish issue #9 at the end of October, 2007. Please consider submitting a short article by 22 October to our editor, Dominique.degreve@shape.nato.int so we may continue to share legal knowledge within and across our NATO community.

Relation between NATO SOFA, Paris Protocol and National Legislation

Arnt Glienke, Alexandra Stein-Lausnitz—German Legal Interns at ACT/SEE

In May and June 2007 an Employment Tribunal in Great Britain and an Administrative Court in Madrid published their decisions on cases that required their consideration of the relationships between the NATO SOFA, the Paris Protocol to the NATO SOFA that creates the legal regime for NATO International Military Headquarters established in the territory of Alliance member nations, and national law.

In the first case the Employment Tribunal in Watford, Great Britain¹ decided on the immunity of NATO to national jurisdiction. A former employee of the NATO Maritime Component Command in Northwood, United Kingdom, complained of his unfair dismissal against NATO. He had worked in a civilian capacity for the North Atlantic Treaty Organization for four years. He began working at Northwood in 2001 on a fixed duration contract which expired in 2005 when renewal was not permitted. He first pursued a plea requesting redress to the NATO Appeal Board, which was dismissed in 2006.

The Employment Tribunal in Watford dismissed his claim deciding that it lacked jurisdiction to hear cases against NATO.

¹ *Employment Tribunals of Watford, 3 May 2007, Case No 3318282/2006.*

As a first step the court considered the immunity granted to NATO by domestic legislation rather than the terms of the obligations undertaken by Great Britain when it entered into international agreements with NATO. This is because the UK adopts a dualist approach to the ratification of treaties meaning that simple ratification will not create municipal law obligations unless the treaty is also implemented into municipal law.

While the Tribunal acknowledged the treaty obligations created by the Ottawa Agreement of 1951 as the foundation of the municipal law obligations, the Tribunal looked for authority within the International Organisations Act 1968, Statutory Instrument 1974 No. 1257 and the North Atlantic Treaty Organization (Immunities and Privileges) Order 1974. The combination of the Act, Instrument and Order which were used in 1974 to implement the Ottawa Agreement permitted the judge to find NATO "as an employer that is immune from suit in the Employment Tribunal."

It is interesting that the Statutory Instrument distinguishes "between NATO - the Organization - and - those who might work or represent NATO in an official capacity."

This distinction suggests the Tribunal may consider NATO employees or representatives not to have acquired immunity from national jurisdiction. However, it will be possible to argue that, to the extent that any officers and employees of NATO were undertaking their official duties, the immunity of the organization should be extended to them in circumstances where NATO could be vicariously liable.

In the second case², a Spanish claimant who was a member of the Spanish Armed Forces employed in the Headquarters in Torrojon, raised a complaint against a decree forcing him to pay the annual road use taxes on his private vehicle. This decree was based on the definition of the "force" found in Article I.1.a) of the NATO SOFA³. This paragraph conspicuously does not include the nationals of the receiving state.

The basis of the complaint against the decree is well founded on the following grounds. First, Article 14.2.h) of the Spanish Supplementary Agreement to the NATO SOFA determines, that:

² *Administrative Court of Madrid, 20 June 2007, No 453/06.*

³ *Article I.1.a. SOFA: "force" means the personnel belonging to (...) armed services of one Contracting Party when in the territory of another Contracting Party in the North Atlantic Treaty area (...)"*

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"Members and their dependants shall be exempt from annual circulation taxes". Here "members" also refers to members of a force. The court classified, the Paris Protocol as *lex specialis* to the Status of Forces Agreement regarding Headquarters. Therefore it draws the definition of force from Article III para. 1 Paris Protocol⁴, which includes the nationals of the receiving state.

An earlier Spanish decision had dealt with a similar issue⁵: an agreement between the Spanish Fiscal Authority's Department of Customs and Excise and NATO HQ contains exemptions from Motor Fuel Excise Duty on fuel consumed by vehicles owned by Spanish Armed Forces personnel or by civilian staff members at NATO HQs in Spain. This agreement was said by the tribunal to be contrary to current Spanish legislation and unspecified international treaties signed between Spain and NATO. The administrative appeal was lodged by the Ministry of Economy and Finance to ratify the declaration of damaging effects.

⁴ Article III para. 1 Paris Protocol: "'Force' means the personnel attached to the Allied HQ belonging to (...) armed services of any Party to the North Atlantic Treaty."

⁵ Chamber of Appeal against Administrative Decisions, 3 May 2007, No 61/2005.

This appeal was dismissed. The issue examined here is expressed in Article 14 para. 2.g) of the Paris Protocol. The apparently conflicting Law 38/1992 and the Royal Decree 1967/1999 refer to "the personnel belonging to (...) armed services of one Contracting Party (...) as per se the definition of FORCES given in the 1951 Agreement".

Neither Law 38/1992 nor the Royal Decree 1967/1999 include nationals of the receiving state. However, the agreement containing exemptions from Motor Fuel Excise Duty and the complaint by the member of the Spanish Armed Forces relate to IMHQs. Contrary to the Status of Forces Agreement, the Paris Protocol does not refer to NATO Status of Forces on missions within other member nations' territories. It refers to the Status of International Military Headquarters⁶. Therefore the territorial limits of the Paris Protocol - "be those of any Party State, without distinctions"⁷ - are the ones applicable to this case.

⁶ Administrative Court of Madrid, 20 June 2007, No 453/06, p. 6

⁷ *Ibid.*

The exemption is also granted to the civilian personnel, even though on a different base. Both, the Status of Forces Agreement and the Paris Protocol exclude personnel who are nationals or permanent residents of the receiving State from the definition of civilian component. However, the Supplementary Agreement establishes that members of the civilian component who are nationals of a party to the North Atlantic Treaty and detailed or assigned to a Headquarters are to be considered members of the Force.

What is the conclusion?

First, in the Employment Tribunal of Watford case, the distinction between the jurisdictional immunity granted to NATO and the possible lack of this immunity by others such as NATO employees or, possibly, NATO's IMHQs merits attention. Care should be taken, as in this case, that contracts with civilian personnel are entered on behalf of NATO with duties as assigned at an IMHQs rather than the contract being between the IMHQs and the individual.

"Contrary to the Status of Forces Agreement, the Paris Protocol does not refer to NATO Status of Forces on missions within other member nations' territories."

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Second, the results of these two cases highlight the need of a modern commentary on the effect and reach of the different treaties between NATO and its member states. The legal hierarchy between the Status of Forces Agreement, the Paris Protocol, Supplementary Agreements, Supplementary Agreements and domestic implementation is neither easily accessible to the NATO Legal Community nor understandable for the nations and their tribunals. The primary writings on the NATO SOFA, Serge Lazareff's, **STATUS OF MILITARY FORCES UNDER CURRENT INTERNATIONAL LAW**, Dieter Fleck's, **THE HANDBOOK OF VISITING FORCES**, are both out of print.

With the expansion of NATO to twenty-six countries, it behoves the Alliance to update the discussion on the application of the NATO SOFA and the Paris Protocol, as judges in the national courts that host NATO IMHQs continue to consider the modern application of the NATO Administrative Law.

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International Institute of Humanitarian Law Rules of Engagement Workshop

CDR Jaimie Orr – HQ SACT

On 10 and 11 September 2007 I attended a Multinational Rules of Engagement Workshop in San Remo, Italy. The event was hosted by the International Institute of Humanitarian Law (IIHL). The purpose of the workshop was to support development by the IIHL of a Multinational Rules of Engagement (ROE) Manual.

The IIHL already has an international reputation for developing multinational training materials for the law of armed conflict, and seeks to develop a generic multinational training guide for Rules of Engagement for its own use and for use by others who desire a multinational focus in their ROE training but who cannot use classified manuals or ROE manuals that are not releasable.

Approximately 25 personnel, military and civilian, from a variety of nations (NATO and PfP countries) attended the meeting. The Workshop began with a series of general briefs on ROE and issues connected with developing and training ROE in a multinational environment.

Following the briefs, the participants worked through some training scenarios, identifying where the manual needed revision in order

to make it more effective and user-friendly. The activities followed the pre-chosen schedule:

On Day 1 exercise participants were separated into five groups, each of which drafted ROE using the Multinational ROE Manual for an assigned mission. The first three missions were conducted by Country BRAVO acting unilaterally. The second two missions were conducted by a Multinational Force. Each group briefed its proposed ROE.

On Day 2 exercise participants were separated into four different groups (air, land, maritime, and political-military/higher authority), each of which analyzed and constructively critiqued the draft ROE Manual from their perspectives.

At the end of the Workshop participants concluded that the draft ROE Manual will be further revised as format, language and content in order to reflect the Law of Armed Conflict and Human Rights Law responsibilities of all nations, and to ensure interoperability with existing multinational ROE, such as the NATO, EU, and UN systems.

It was also agreed that there was a need to shorten the draft document or otherwise reformat it to allow clear

application in training and exercises. One approach being considered is to break it into two:

1/ generic ROE compendium (similar to the MC 362/1) that could be used in an operational exercise or training environment and

2/ training reference guide which would include the legal and practical advice that would be used as a guide at a War College or at the Institute.

The joint IIHL/Naval War College team intends to revise the Multinational Rules of Engagement Manual in its current version over the next several months based upon feedback from the attendees. Input from representatives of nations from the Asia-Pacific region is expected as well.

A new draft will be sent out to a select group of subject matter experts drawn from the workshops to create a draft which will then be circulated among the nations and organizations (EU, UN, NATO) for formal comment. The goal is for the IIHL to have a version of the manual available to use in their 2008/2009 academic year.

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NATO Combined Air Operations Centre (CAOC) Commander's Conference 2007

LTCOL Sally Stenton – CC-Air HQ Izmir

In June Component Command (CC)-Air Izmir and CC-Air Ramstein co-hosted the 2007 NATO CAOC Commander's Conference in Bucharest, Romania with representation from the 10 CAOCs¹. The first day of the two-day conference the Commander Air Izmir, Lieutenant General Maurice L. "Lee" McFann Jr., USA AF and the Commander, Air Ramstein, General William T. Hobbins, USA AF presided over their own CAOCs for a full day of briefing. The second day of the conference was the joint session and it was on this day I had the honor of presenting a "NATO Rules of Engagement" briefing.

Along with Gen Hobbins and Lt Gen McFann, the conference participants included the Romanian Air Chief, other senior Romanian Air Force general officers, the commanding generals of all the NATO CAOCs and 23 other general officers, including the French air operations and air defense commander, and COM NAEW&C Force. Seventeen NATO nations were represented and participated in the conference.

CC-Air Izmir is the air component for NATO Response Force (NRF) 9/10, which goes from 1 July 07 to 30 June 08. In light of this fact and some ROE issues that arose during our various exercises in 2006 and 2007 Gen McFann wanted a comprehensive, yet not too down in the weeds ROE brief. Although ROE is primarily an A3/J3/S3 (operations) function he wanted the ROE brief from a legal perspective.

As the Legal Advisor for CC-Air HQ Izmir, located in Izmir, Turkey, I was tasked to provide the NATO ROE brief. The brief covered ROE general guidance, the ROE process, MC 362/1, and key ROE definitions. From previous conferences and exercises I knew the biggest area of concern and confusion both at the tactical and operation level was with how the ROE process actually works.

Consequently, I included not only slides that generally described the ROE process, but slides with examples of the MC 362/1 series, a ROERREQ message, ROEAUTH message and ROEMPL message.

The briefing was very well received and generated lots of good questions. I was told afterwards by several conference participants they came away with a much better or more complete understanding of MC 362/1 and the entire ROE process.

This was the third conference I've been fortunate enough to participate in and give a NATO ROE brief. I have also given a version of this briefing every two months at our Initial Battle Staff Training, table top exercise for newcomers. Because a full understanding of the NATO ROE (MC 362/1 and ROR process) is critical to our mission and as I've found they are clearly understood by only few at the tactical and operational level, I highly recommend to any LEGAD that has an opportunity to brief to any audience big or small, high level or low level not to pass up the opportunity. Get out there and spread the NATO ROE word!

NATO Combined Air Operations Centre (CAOC) Commander's Conference 2007



Combined Air Operations Centres Commanders

(1) Active Air Operations Centres

- CAOC-1 in Finderup, Denmark
- CAOC-2 in Uedem, Germany
- CAOC-3 in Bodo, Norway
- CAOC-4 in Messtetten, Germany
- CAOC-5 in Poggio Renatico, Italy
- CAOC-6 in Eskisehir, Turkey
- CAOC-7 in Larissa, Greece
- CAOC-8 in Torrejon, Spain
- CAOC-9 in RAF High Wycombe, United Kingdom
- CAOC-10 in Lison, Portugal

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Social Science Research Network

Mr. Lewis Bumgardner –ACT/SEE

For those of you who have not yet seen it, the Social Science Research Network (SSRN) <http://hq.ssrn.com/UserHome.cfm> is a free electronic service devoted to the rapid worldwide dissemination of social science research and is composed of a number of specialized research networks in each of the social sciences and contains a large legal section. Each of SSRN's networks encourages the early distribution of research results by publishing abstracts and by soliciting abstracts of top quality research papers around the world.

The SSRN eLibrary consists of two parts: an Abstract Database containing abstracts on over 161,900 scholarly working papers and forthcoming papers and an Electronic Paper Collection currently containing over 128,900 downloadable full text documents in Adobe Acrobat pdf format. Most of the papers may be downloaded for free once you create a personal account for which there is no charge.

The Networks encourage readers to communicate directly with authors and other subscribers concerning their own and others' research. To facilitate this, the SSRN publishes detailed author contact information including email addresses for authors of each paper. The SSRN e-library may be browsed by key words, top papers, title, author, journal, or topic. Fifty-six scholarly papers address aspects of NATO. Recent legal papers of interest available on the SSRN include:

Mistake of Legal Element, the Common Law, and Article 32 of the Rome Statute: A Critical Analysis, Kevin Jon Heller, University of Auckland-Faculty of Law

Article 32(2) of the Rome Statute provides that "[a] mistake of law may... be a ground for excluding criminal responsibility if it negates the mental element required by such a crime." Although this provision has been described as "cryptic," I argue in this essay that it was specifically drafted to exculpate what common-law scholars have variously called "mistake of mixed fact and law," "mistake of legal fact," and - most usefully - "mistake of legal element": namely, a mistake regarding the definition of a legal element in a crime. A perpetrator who commits a mistake of legal element (MLE) cannot be said to have acted "knowingly" with regard to that element, and is thus entitled to an acquittal if the element requires knowledge. The war crime of attacking a civilian population, for example, requires the perpetrator to know that the population in question qualifies as civilian under international humanitarian law. A perpetrator who honestly but incorrectly believes that a population forfeits its civilian status if soldiers are present within it, therefore, commits an exculpatory MLE.

Beyond Black's and Webster's: Persuasive Value of Thesauri, Brian J. Craig, University of Minnesota- Twin Cities- School of Law

This article discusses the value of thesauri, in conjunction with dictionaries, as persuasive secondary sources to ascertain the plain and ordinary meaning of words and phrases. Based on empirical research, this article examines the frequency of opinions that cite to thesauri from 1990 to 2006. The article also provides a review of opinions where courts found thesauri persuasive and unpersuasive in construing statutes, regulations, and contracts. A comparative law analysis on the use of thesauri in the United Kingdom, Canada, and Australia is also provided. Finally, the article discusses the benefits of using thesauri in legal research.

SOCIAL SCIENCE RESEARCH NETWORK
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The Consequential Effect of European Law in Respect of the Requirement of Due Care,
Jans H. Jans, University of Groningen

This paper is an attempt to trace the obligations for public authorities arising from Article 3:2 of the Dutch Algemene Wet Bestuursrecht against the background of the principle of precedence and the doctrine of direct effect, precisely in order to prevent them from coming into conflict with European law. The paper shows that public authorities have duty to investigate the implications of European law on any proposed decision. Public authorities are also obliged to investigate whether or not the legislation on which their executive authority is based is compatible with European law. This duty also covers legislation from other authorities.

The International Committee of the Red Widget? The Diversity Debate and International Humanitarian Law, Rene Provost, McGill University - Faculty of Law

This article asserts that there has been a lack of attention to the impact of cultural diversity within the field of international humanitarian law. Discussions surrounding culture in international humanitarian law have nearly always avoided the central issue of cultural particularism. This has been so in relation to the debate surrounding the emblem, in general surveys of humanitarian law, and in discussions of the laws of war in distinct legal and cultural traditions. The emblems debate, in particular, signals the elusiveness of rigid universality within international humanitarian law. Five elements are suggested to explain the resistance of humanitarian law to contagion by the cultural relativism debate in human rights: the nature of human rights, the distinct normative frameworks of human rights and humanitarian law, the unified conventional basis of humanitarian law, the very broad participation in the humanitarian regime, and the unique role of the International Committee of the Red Cross. While these reasons might explain the fact that the relativism debate in human rights did not readily transfer to humanitarian law, they offer no substantive basis for immunity for humanitarian law to the challenges posed by cultural diversity. Ultimately, the article proposes a legal pluralist approach that recognizes the role of actors in the cultural process of norm-creation. Given the continued violation of the laws of war, the author suggests a need to open the door to cultural diversity in order to generate greater compliance. Without cultural legitimacy, there is a danger that humanitarian law aspires to self-defeating universalism.

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NATO Legal Instruction in Albania

23-28 September 2007

CDR Jaimie Orr, HQ SACT

Furthering NATO's goal of supporting Albania's efforts through the Membership Action Plan (MAP), two NATO legal advisors, Commander Jaimie Orr of HQ SACT and Mrs. Mette Hartov of the Joint Force Training Centre, joined with a mobile training team from the US Defense Institute of International Legal Studies (DIILS) to provide briefings on NATO organization, NATO Rules of Engagement, the NATO SOFA, and related topics to a group of legal advisors from the Albanian Ministry of Defence and General Staff.

DIILS has, over the past several years, sent a number of mobile training teams to Albania in support of that nation's defence reform efforts. When the Albanian Ministry of Defence asked that the next training session focus on NATO issues, DIILS contacted the legal office of the Headquarters, Supreme Allied Commander Transformation (HQ SACT) for assistance. This request coincided with a visit to Albania of the Supreme Allied Commander Transformation, General Lance Smith. Upon his return to HQ SACT, General Smith directed the staff and ACT elements to ensure maximum support for Albania's MAP programs. Lecturers from DIILS provided

training on general legal topics such as the Rules of Engagement, the Law of Armed Conflict, and the roles of military legal advisors, while Commander Orr and Mrs. Hartov gave briefings more focused on NATO's perspectives.

The DIILS program and NATO instruction were extremely well-received and appreciated by the Albanian legal advisors as timely training support before Albania begins a significant exercise with NATO's Land Component Command headquarters in Heidelberg in October 2007 and with JFC Naples on a variety of other efforts. All of this demonstrates both Albania's commitment to its MAP program and the diverse nature of activities provided by NATO's commands to support of PfP nations and Albania's participation in the MAP process.

If you have any questions about this training, please contact Commander Orr at orr@act.nato.int

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Spotlight



Colonel Richard

Galvin, USA A

Legal Advisor

JFC HQ Naples



Name: Richard Galvin

Rank/Service/Nationality: Colonel, US Army

Job title: Legal Advisor, Joint Forces Command - Naples

Primary legal focus of effort: Right now it's the Balkans, particularly Kosovo.

Likes: My wonderful family and American football (especially the Minnesota Vikings)

Dislikes: Cell phones

When in Naples , everyone should: Enjoy the delicious food, the friendly people, and the outstanding cultural attractions.

Best NATO experience: Tremendous hospitality received during trips to Bosnia, Kosovo, and Montenegro.

My one recommendation for the NATO Legal Community: : Enjoy working in the NATO environment. It's a great experience compared to more routine national jobs.

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HAIL

&

FAREWELL

Hail

CC- Mar HQ Northwood: LtCDR Darren Reed (GBR N) joined on September 10, 2007

KFOR : Capt Virginie Lotti (FRA A) joined in September 2007

NATO HQ SARAJEVO : Capt Craig C. Ford (USA AF) joined on September 16, 2007

NATO School : Ms Sabine Pressley (USA Civ) joined in September 2007

JFC Brunssum : CAPT David NAUTA (NLD AF) joined on October 1st, 2007

Farewell

JFC Brunssum : Mr. Uwe Dickbertel left in September 2007

CC-Mar HQ Northwood : LtCdr Tony Stockbridge (GBR N) left in September 2007

KFOR : Capt Olivier Troian (FRA A) and Capt Andres Parve (EST AF) left in September 2007

NATO HQ SARAJEVO : MAJ Kari Fletcher (USA AF) left in September

GENERAL INTEREST/UPCOMING EVENTS

- New Acronyms : The NATO Military Committee recently approved MC 0457/1 NATO Military Public Affairs with effect from 14 Sep 07. The new policy foundation will facilitate the development of a military public affairs function within NATO HQs and nations. There are several significant changes to the previous policy; the changes with the most immediate effect are related to lexicon, e.g.
 - PI (Public Information Affairs) becomes PA (Public Affairs)
 - PIO (Public Information Officer) becomes PAO (Public Affairs Officer)
 - IEPR (Initial Exercise Press Release) becomes IEMR (Initial Exercise News Release)
 - PIA (Public Information Advisor) becomes PAA (Public Affairs Advisor)

- Recent Interview with Ann Marie Slaughter, Dean of the Woodrow Wilson School of Public and International Affairs at Princeton University; Ann Marie Slaughter is a luminary in the international legal community. This lengthy interview provides her insights on international law, U.S.-European relations, and a defence of her progressive views. It begins with reference to her immigrant roots, "I'm half Belgian and 100% American, which means that I grew up between a fairly normal upper middle class suburban childhood in Charlottesville, Virginia and a far more cosmopolitan Brussels urban experience - lunches in the middle of the day, wine and crystal with my francophone grandparents."

<http://www.democratiya.com/interview.asp?issueid=10>

- Dialogue between International Law and International Relations : Book authored by Mr. Andrés B. Muñoz Mosquera (SHAPE Legad) and published by Wolf Legal Publishers. Essay that highlights the interrelation between the two disciplines while also underlining questions that apparently separate one from another. More information on www.wlp.biz

- Registered Partnerships : overview of legislation in NATO Member states and situation in other international organizations can be found in AGFC-N(2007)0036

- Recent Litigations of interest to the NATO Legal Community :
 - Grand Chamber decision on **Behrami v. France** (application no. 71412/01) – UN retained "ultimate authority and control" over operations in Kosovo, so attributable for actions of KFOR. UN is not a party to ECHR and, hence, not subject to ECHR jurisdiction

http://www.coe.int/t/d/kommunikation_und_politische_forschung/presse_und_onlineinfo/presseinfos/2006/20061115-693-GH-Behrami.asp
 - **Al-Skeini case** [2004] EWHC 2911 (Admin) - Essential and primary nature of ECHR is territorial. There is an exception where a state party has effective control of an area.

<http://www.publications.parliament.uk/pa/ld200607/ldjudgmt/jd070613/skeini-1.htm>
 - **Louidou v. Turkey**, 81 Eur. Ct. H.R. 1807, 1817 (1998) - A state may be responsible for protection of human rights when as a consequence of military action it exercises effective control of an area outside its national territory.

<http://www.echr.coe.int>

The Law must be stable, but it must not stand still.

[Roscoe Pound](#)

GENERAL INTEREST/UPCOMING EVENTS

- **Issa and Others v. Turkey** (application no. 31821/96), 16 October 2004 - facts in a given case may show that effective control of an area by a state party brings an area within the state party's jurisdiction.
<http://www.echr.coe.int/Eng/Press/2004/Nov/ChamberjudgmentIssaandOthersvTurkey161104.htm>
- **Chamber of Appeal against Administrative Decisions**, 3 May 2007, No 61/2005 - exemptions from Motor Fuel Excise Duty on fuel consumed by vehicles owned by Spanish Armed Forces personnel or by civilian staff members at NATO HQs in Spain.
<https://members.natoschool.org/file/spanish-national-court-admin-decision-61-2005>
- **Employment Tribunals of Watford**, 3 May 2007, Case No 3318282/2006 - immunity of NATO to national jurisdiction
<http://www.cre.gov.uk/legal/casedatabase.html>
- **German decision on a vehicle tax purchased in the UK, LNRO 2006, 28059**
<https://members.natoschool.org/file/german-decision-on-a-vehicle-tax-purchased-in-the-uk-german-version>
- **Bankovic v. Belgium**, Application no.52207/99, 12 December 2001, ECtHR- extraterritorial effect is to be exceptional. ECHR operates in a regional context, was not intended to apply worldwide, and applies within the legal space of contracting states. The Court held that there was no "effective control" of the area in the case of the bombing campaign over Kosovo.
<http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm&action=html&&highlight=bankovic&sessionid=71197648skin=hudoc-en visited 22 May 2006>
- The NATO Legal Advisors Course will be held at the NATO School from October 22 to 25, 2007. Next session is scheduled from May 19 to 23, 2008.
- Mark your calendars for the week of April 21st, when the Legal Conference will take place in Istanbul, Turkey



Articles/Inserts for next newsletter can be addressed to Lewis Bumgardner (Sherrod.Bumgardner@shape.nato.int) with a copy to Dominique Palmer-De Greve (Dominique.Degreve@shape.nato.int) and Kathy Bair (bair@act.nato.int)

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