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OF INTERNATIONAL LAW AND POLICY

VOLUME 8 NUMBER 2

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MYRES S. McDOUGAL DISTINGUISHED LECTURE

GLOBAL HUMAN RIGHTS: CHALLENGES AND PROSPECTS

..... *C. Clyde Ferguson* 367

Professor Ferguson, in the third annual Myres S. McDougal Distinguished Lecture, discusses two basic theoretical problems in global human rights: whether there is an international basis for a consensus on human rights; and the selection of a suitable "organizing principle" for declaring the substance of those rights. Despite the difficulties involved in establishing a true universal basis for these rights, and determining the form these rights will take, Professor Ferguson finds a rising tide of hope in the increasing recognition that there is an irreducible minimum of rights which attach to people as human beings

ARTICLES

THE EUROPEAN COURT OF JUSTICE JUDGMENT IN UNITED BRANDS: EXTRATERRITORIAL JURISDICTION AND ABUSE OF DOMINANT POSITION

..... *Joseph Jude Norton* 379

Over the past few years, the Commission of the European Communities and the European Court of Justice have begun to establish a body of antitrust law based on Articles 85 and 86 of the Treaty of Rome. The decision in *United Brands*, announced by the Court of Justice in February 1978, provides one of the clearest expositions to date of the article 86 concept of "abuse of a dominant position." The factual situation of *United Brands* enabled the Commission and the Court of Justice to be in substantial agreement in finding an abuse of a dominant position on the market, and provided the Court with an opportunity to further define the elements necessary for an enterprise to be in a dominant position and to be abusing that position. This article examines the extraterritorial extension of jurisdiction of EEC antitrust laws to non-Community enterprises and studies the evolution of the concept of "abuse of a dominant position" from its origins through the decision in *United Brands*.

MANAGEMENT SERVICES AGREEMENTS WITH A FOREIGN PARENT CORPORATION AND THE INCOME SOURCE DETERMINATION RULES

..... *John L. Ruppert* 415

In this article, the author identifies and discusses the procedures that may be easily implemented by related corporations to minimize the possibility of United States source income recognition or double taxation. The implementation of these suggested procedures,

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