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Archives and records in armed conflict : international law and the current debate over Iraqi records and archives / Douglas Cox

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Abstract:	<p>International law has been unable to sufficiently define the legal status of records and archives seized during armed conflict. The author asserts that a legal definition for those records and archives taken during armed conflict requires an evaluation of international law's limitations. The author begins with a description of archives' and records' varying values: intelligence, military and political, legal and administrative, and cultural and historical. The author explains that each of these values challenges seized property's legal definition. Although international law is the governing authority on this matter, the author states that it provides little guidance for the unique nature of records and archives without the presence of military necessity, which generally become the property of the capturing state. The author next turns to the 2003 acquisition of Ba'ath party records by the United States and the role and limitations of international law in this matter. While international law may be an imperfect solution, the author denotes that it still plays a crucial part in the protection of archives and records.</p>
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