

The LAW LIBRARY *of* CONGRESS



WORLD LAW BULLETIN

Entry controls
Financial control authority
Genomic information
Human rights agreements and conventions
Identification cards
Immigration
Ketamine
Land privatization
Libel suits
Marine resource protection
Organized crime convention
Prevention of smoking
Regulation of TV programs
Religious organizations registration
Right to silence
Rights for indigenous peoples
Trade navigation code
Taiwan/China links

Updates:

- **World Trade Organization**
- **European Union Developments**

Administrative courts
Antiterrorist center
Bilateral alliances
Constitutional amendments
Criminal syndicates
Economic crimes
Election procedures

The **WORLD LAW BULLETIN** - a monthly awareness service prepared by the Staff of the Law Library of Congress.

Editors: Constance Axinn Johnson and Wendy I. Zeldin. *For more information or research tailored to your needs, call:* the Directorate of Legal Research, at 7-4351 or fax: 7-1820. The **Bulletin** and information on Law Library services for Congress can be found online at:
<http://lcweb.loc.gov/law/congress>

GLIN: The Global Legal Information Network, a primary source of authentic legal information serving congressional research needs, is accessed through the Internet at: <http://www.loc.gov/glin>
Law Librarian of Congress and GLIN Director General: Rubens Medina,
tel.: 7-5065.

Table of Contents

AMERICAS

Mexico–Broader rights for Indians; hope for peace in Chiapas
–Prevention of smoking

ASIA

China–Criminal syndicates
–Libel suits against Japanese writers
–Local right-to-silence regulation
–Planned regulations on TV programs
–Protection of marine resources
Hong Kong–Election procedure controversy
–Ketamine called dangerous drug
Kyrgyzstan–Land privatization
Mongolia–Amendments to the Constitution; other issues in the Parliament

Taiwan–Economic crimes

- Entry controls eased for mainland visitors
- Mini-links with PRC approved

EUROPE

Czech Republic–Senatorial elections under new law
Estonia–New financial control authority
Italy–Identification cards
Russian Federation–Religious organization registration closed

NEAR EAST

Azerbaijan–Trade navigation code adopted
Israel–Court for administrative matters

SOUTH PACIFIC

Tonga–Contract for genomic information

LAW AND ORGANIZATIONS– INTERNATIONAL AND REGIONAL

Australia/New Zealand–Migration
Chile/Mexico–Strategic alliance forged
China/UN–MOU on human rights
CIS–International antiterrorist center created
Laos/UN–Human rights conventions
MERCOSUR/Mexico–Talks to open in 2001
Thailand/UN–Organized crime convention

PLUS: Law Library product listings

Features:

- ! **World Trade Organization–update**
- ! **European Union Developments--update**

*The Law Library of Congress ~
serving the U.S. Congress
since 1832.*

AMERICAS

MEXICO—Broader Rights for Indians; Hope for Peace in Chiapas

On December 5, 2000, only four days after assuming the presidency of Mexico, Vicente Fox Quesada sent a bill to the legislature that would substantially increase the rights of Mexican Indians. Fox stated in the introduction to the bill that “the legal situation of the indigenous people is still profoundly unsatisfactory, and their social condition is a matter of deep national concern.” Indian rights have long been a controversial topic, but since January 1, 1994, when Indian rebels, known as Zapatistas, began an armed uprising in the southern state of Chiapas, the topic has become a hot-button issue. Passage of the bill, Fox’s first legislative initiative, might reopen the dialogue between the government and the rebels and end the seven-year-old violent conflict in Mexico’s poorest state.

President Fox’s bill would convert into law the San Andres accords of 1996, negotiated by representatives of the Zapatistas and a government team, but set aside by Fox’s predecessor Ernesto Zedillo Ponce de Leon. The proposed law would revise seven articles of the Constitution, permitting Indian communities to elect local officials and exercise forms of local government according to their traditions, as long as women’s rights are respected; to acquire their own media outlets; and to participate with educational authorities in establishing bilingual school systems. It would also require that indigenous judicial practices be respected as long as they conform to the Constitution. For example, Indian convicts would be allowed to serve their sentences close to their homes. Government development plans would have to take into account the needs of indigenous people, and state legislatures could redraw local boundaries according to traditional Indian community lines.

State governments would determine what functions these communities would control and allocate funds to carry out those functions.

There will be Senate debate on the bill. Subcommander Marcos, the leader of the Zapatista forces, has said that he would lead a delegation of 25 rebel officers to Mexico City in February 2001 to present their positions in support of the pending legislation. Shortly after Fox’s swearing in, Marcos expressed his willingness to resume the peace negotiations broken off in 1996, with three conditions: adoption of an Indian bill of rights, withdrawal of army troops from seven bases in Chiapas, and release of all Zapatista political prisoners.

The passage of the bill could be blocked by several lawmakers who have argued that the bill and peace accords violate constitutional guarantees, but supporters are confident that the bill will be accepted by Congress. Emilio Zebadua, soon to be secretary of government in Chiapas state, said that he thought “it would be an act of tremendous irresponsibility on the part of the minority if they indeed attempted to stop what seems to be the most important element in creating peace in Chiapas—and therefore in Mexico.” He sees the merging of national and Chiapas commitments to peace as a positive trend.

Mexico’s population is approaching 100 million people, mostly of mixed white and Indian race, with about 10% of the population composed of people with pure Indian blood located throughout the nation. The indigenous communities occupy the bottom of the social and economic strata. President Fox has also created a special office in the presidency to promote Indian rights, headed by a special advisor. (*The Los Angeles Times*, Dec. 6, 2000, via <http://latimes.com/news/nation/20001206>)

/t000116802.html.)
 (Sandra Sawicki, 7-9819)

MEXICO–Prevention of Smoking

Having already banned smoking in federal offices and buildings (See WLB 2000.09, Sept. 2000), the Mexican government has acted further to protect people from the harmful effects of second-hand smoke. The Regulation on Consumption of Tobacco, enacted on July 26, 2000, prohibits smoking in a broad array of transportation, education, and health facilities. In these locations, smoking areas for workers, visitors, or patients will be permitted, but they must be isolated from work areas, have outside ventilation, be distributed according to the number of workers by floor, area, or building, and be clearly identified by signs. (*Diario Oficial*, July 27, 2000.)

The Regulation also calls for the establishment of a program to prevent smoking, especially among children and adolescents, that will be comprised of several basic actions. The Secretariat of Health will promote healthy lifestyles in the family, workplace, and the community. The public will be informed of health risks from smoking. Information on the hazards of smoking will be included in educational materials and programs. Smoking cessation programs will be increased, with treatment offered to smokers who want to quit. Research on smoking habits will be encouraged to identify risk factors and health and social problems associated with smoking, characteristics and scope of the problem, the social and cultural contexts of tobacco consumption, and the effects of advertising on smoking.

The health secretariat will coordinate actions to prevent smoking in the federal government and will oversee compliance with these rules. Violators of the Regulation will receive warnings and be fined if offenses are repeated. The amount of the fines will rise sharply according to the number of times smokers violate the provisions of the Regulation. [GLIN] (Sandra Sawicki, 7-9819)

ASIA

CHINA–Criminal Syndicates

The Supreme People's Court adopted an interpretation on adjudicating cases involving crimes of Mafia-like organizations on December 4, 2000, effective December 5, 2000. It explicates certain key phrases in each of the four paragraphs of article 294 of the Criminal Law of the People's Republic of China (adopted on July 1, 1979; as amended on Dec. 25, 1999), which covers criminal syndicates.

Among the traits of "organizations with the characteristics of a criminal syndicate" described in the Interpretation are that they are relatively close-knit, comprise a relatively large number of people, have a relatively clear organization, leadership, and basically fixed core membership, and have relatively strict organizational discipline (Interpretation, art. 1, item 1). Other articles deal with what it means to recruit members for criminal syndicates; with punishment of other criminal activities committed by the syndicates, their leaders, or participants; and with the confiscation of syndicate property, profits, and criminal instruments.

Three of the seven articles have to do with the role of state functionaries in organized crime. Officials who organize, lead, or participate in criminal syndicates are to be punished severely. Definitions for cadres who "harbor" or "connive" with Mafia-like organizations are set forth. Harboring refers, among other actions, to divulging secrets; hiding, destroying, or fabricating evidence; and helping the syndicates or their members go into hiding. Connivance by cadres is defined as actions that, in contravention of cadres' performance of their official duties according to law, allow criminal syndicates to carry out unlawful criminal activities. The Interpretation also sets forth what constitutes "serious circumstances" of harboring or abetting, e.g.,

harboring or abetting the Mafia-like gangs to conduct cross-border illegal activities. (Hong Kong RTHK Radio 3, Dec. 11, 2000, via FBIS, Dec. 11, 2000; http://www.legaldaily.com.cn/gb/content/2000-12/10/content_10082.htm.) (W. Zeldin, 7-9832)

CHINA–Libel Suits Against Japanese Writers

Xia Shuqin, a Chinese woman from Nanjing, has filed libel suits against two Japanese authors in which she accuses them of defaming her. The two writers had published books in 1998 on the Nanjing Massacre, an event witnessed by Ms. Xia. They each raise doubts about her account of having observed the massacre, which took place during Japan’s invasion of China in December 1937. Xia is suing in Nanjing Intermediate People’s Court, claiming that the Japanese authors and their publishers have made false and damaging statements about her. She has asked for a public apology, compensation for legal costs, and an award of 800,000 *yuan* (about US\$96,000).

Xia states that on December 13, 1937, Japanese soldiers killed seven members of her family at their Nanjing home. She was eight years old at the time, and together with her younger sister, she survived the event. In recent years, some Japanese in right-wing groups have stated there was no massacre in Nanjing and that accounts such as Xia’s are fabrications. This suit is the first on the issue to be filed at a Chinese court. The bills of indictment will go through Sino-Japanese diplomatic contacts to the authors and their publishers. The case will be tried even if the accused do not come to China. The China Foundation for Human Rights Development announced on November 28, 2000, that it had assembled a group to assist Xia, including members of the All-China Lawyer’s Association and the China Association for the History of the War of Resistance Against Japan. (CND-Global, Dec. 1, 2000; *China Daily*, Nov. 29, 2000, at 1.)

In the last few years, there has been heightened interest in China and Japan in the treatment

accorded to indigenous populations by Japanese troops during the 1930s and 1940s. On December 22, 1998, a Tokyo court rejected a challenge by an author to an earlier district court ruling in a case with some parallels to Xia’s suit. A Japanese soldier had published a diary that included his account of the massacre; he was successfully sued by one of the soldiers mentioned as committing atrocities. In finding against the author of the diary, the district court had stated that the diary “was judged as being unnatural by common sense.” (Xinhua, Dec. 25, 1998, via LEXIS/NEXIS, Asiapc library.) In addition, representatives of “comfort women,” women who had been forced into prostitution by the Japanese army, from China and a number of other countries, participated in a mock trial of Japanese leadership held in Tokyo in December 2000. It was sponsored by the Women’s International War Crimes Tribunal, a non-governmental body sponsored by women’s organizations and human rights groups in Asian countries. Emperor Hirohito was found guilty of accepting institutionalized sexual slavery, before and during World War II; the judges urged that compensation be paid to the victims. (Xinhua, Dec. 6, 2000, via FBIS, Dec. 6, 2000; Kyodo, Dec. 12, 2000, via FBIS, Dec. 12, 2000.) On December 13, 2000, a ceremony was held in Nanjing to commemorate the anniversary of the massacre, and protesters outside the Japanese embassy in Hong Kong demanded that the victims be compensated. (CND-Global, Dec. 15, 2000.) (Constance A. Johnson, 7-9829)

CHINA–Local Right-to-Silence Regulation

A procuratorate in Fushun City, Liaoning Province, has issued a new regulation that for the first time officially adopts the right of suspects to remain silent. Under the regulations, procurators are to prosecute suspects on the basis of proof other than confessions in criminal cases. That is, credit is not to be given to confessions—which have been “the major source of proof in trying criminal cases in China”—and convictions are to be “based

on other impersonal and reliable proof” (Xinhua, Nov. 22, 2000, via FBIS, Nov. 22, 2000). Suspects’ right to keep silent is guaranteed under the new ruling, and suspects are entitled to defend themselves against accusations or remain silent during a criminal interrogation. Proponents believe that upholding the right to silence will help eliminate the use of torture in interrogations and the extortion of confessions. According to a researcher with the Liaoning Provincial People’s Procuratorate, “the regulation practically admits the presumption of innocence and therefore has brought a radical change to the traditional judicial concept in the country.” (*Id.*)

Procuratorates in other Liaoning cities (including the capital, Shenyang, and the major city of Dalian) have introduced and implemented the concept of the right to remain silent but apparently have not yet regulated it by law.
(W. Zeldin, 7-9832)

CHINA–Planned Regulations on TV Crime Programs

It has been reported that by the end of the year, the Ministry of Public Security and the State Administration of Radio, Film and Television (SARFT) will issue regulations to ban TV programs that give too detailed a description of how to carry out a crime. Despite the growing popular demand for films and TV dramas featuring criminal cases—more than 1,000 thus far in the year 2000—experts fear that the detailed depiction of commission of crimes “amounts to ‘free’ training for criminals” (*China Daily*, Internet version, Nov. 24, 2000, via FBIS, Nov. 24, 2000).

The proposed new measures will also ban shows on unsolved cases or those related to overseas affairs from being made into films or TV shows. Programs about cross-provincial or serious criminal cases will have to be vetted beforehand by the police or by SARFT. It is possible that the total number of films and TV programs on criminal cases may be controlled as well. A SARFT official, Wang

Weiping, stressed that news reports on such matters should also be subject to the regulations. Wang contends that many of the requirements to be included in the new measures are already covered by China’s laws on national security and confidentiality, but they have not been adhered to. He did not explain how the authorities would make sure that TV producers abide by the new regulations. (*Id.*)
(W. Zeldin, 7-9832)

CHINA–Protection of Marine Resources Via Licensing

The State Oceanographic Bureau has announced a plan for wider licensing for users of marine resources, as a conservation measure, under a law it is drafting that will be submitted to the Standing Committee of the National People’s Congress early in 2001 for discussion. The purpose of the new legislation is to curb excessive, uncontrolled use of the resources of the sea. Licensing had been introduced in 1993.

Within the next one to two years, an extended system will be implemented that requires all individuals and organizations, whether Chinese or foreign, to apply for licenses to use resources from the sea. At least 80% of sea-related activities in most regions of the country will be covered. To date, more than 15,000 licenses have been issued, covering a sea area of 2.5 million hectares, but according to Wang Zhong, vice-director of the Sea Use Management Section of the Bureau, that represents only about 20% of marine activities along the 18,000 kilometer coast.

Local branches of the Bureau will be surveying the use of marine resources in their regions in the first half of the year 2001. (*China Daily*, Internet version, Nov. 29, 2000, via FBIS, Nov. 29, 2000.)
(Constance A. Johnson, 7-9829)

HONG KONG–Election Procedure Controversy

The Constitutional Affairs Bureau of the Hong Kong Special Administrative Region (HKSAR) has announced its plan for the Election Committee to choose the next Chief Executive of the Region, due to be selected in 2002. Under the HKSAR Basic Law, it is the Election Committee that chooses the Chief Executive. The Bureau's three-page announcement specified that the current Committee, created in July 2000 to elect six members to the legislature and serving five-year terms, would pick the next Chief Executive. A Chief Executive Election Bill will be introduced in the Legislative Council to establish the legal structure for the existing procedure (*China Daily*, Dec. 18, 2000, via FBIS, Dec. 18, 2000.)

The established procedure for selection is that six months prior to the end of the current Chief Executive's term in June 2002, the incumbent, Tung Chee-hwa, will set a date for the election. Each candidate must obtain the endorsement, in writing, of at least 100 of the 800 Election Committee members. Each member can endorse only one candidate. Criticism of the announced procedure has centered on the fact that the majority of the members support Mr. Tung; should he decide to run again, he would have a great advantage. Of the current Election Committee members, not quite 100 are considered to be "pro-democracy," and they could possibly nominate a candidate to challenge Tung. Leung Yiu-chung, a legislator and head of the Neighborhood and Workers' Service Center, said that although it was possible the legislature could amend the Election Law bill to create a new Election Committee, the ultimate goal would be to amend the Basic Law to allow the election of the Chief Executive by direct, universal suffrage. (RTHK Radio 3, Dec. 15, 2000, via FBIS, Dec. 15, 2000; CND-Global, Dec. 18, 2000; Hong Kong iMail, Dec. 16, 2000, & *South China Morning Post*, Dec. 16, 2000, via FBIS, Dec. 16, 2000.)

(Constance A. Johnson, 7-9829)

HONG KONG--Ketamine Called Dangerous Drug

The "popular party drug" ketamine, a surgical anaesthetic, has been declared a dangerous drug by Hong Kong Special Administrative Region (HKSAR) authorities and will be subject to the same tough laws that apply to heroine and cocaine in the HKSAR. That is, as of December 15, 2000, those involved in trafficking and illicit manufacture of the drug will be subject to up to HK\$5 million (about US\$641,000) in fines and a sentence of life imprisonment. (Hong Kong RTHK Radio 3, Dec. 13, 2000, via FBIS, Dec. 13, 2000.)

In the last six months of 1999, there were only 23 abusers of ketamine, 14 of whom were under the age of 21, but between January and June 2000 the number rose almost twenty-fold, to 453 people, over 80% of whom were under 21. Abuse of the drug can result in delirium, impaired memory and/or motor function, respiratory/heart problems, and tolerance/dependency. (*South China Morning Post*, Dec. 10, 2000, at 3, via FBIS, Dec. 13, 2000.)

(W. Zeldin, 7-9832)

KYRGYZSTAN--Land Privatization

On December 15, 2000, Kyrgyzstan's Parliament adopted the Law on the Management of Farm Land, which provides for the abolition of the moratorium on the purchase and sale of farmland, established in 1998 after a referendum on the introduction of private land ownership. According to the Law, the purchase and sale of land will be allowed as of September 1, 2001. The Law stipulates that the State and citizens of Kyrgyzstan who have been permanently living in a rural area for at least two years, have reached the age of majority, and have experience in agriculture have the right to purchase farmland. In order to implement the Law and avoid breaches of it, a number of protection mechanisms have been envisaged. Foreigners remain excluded from land purchases. (Bishkek Kyrgyz Radio One, Dec. 18, 2000, via FBIS, Dec. 18, 2000).

(Peter Roudik, 7-9861)

MONGOLIA—Amendments to the Constitution, Other Issues in the Parliament

On December 14, 2000, the legislature approved amendments to the Constitution by unanimous consent of those voting. Four members held the view that the amendments had been introduced in violation of the basic law and hence abstained from voting. According to the Prime Minister, the amendments are designed to strengthen and improve the Parliament.

During the parliamentary discussions, representatives of the President and of the Constitutional Court took the floor to criticize the proposed amendments. They stated that there had been insufficient discussion of the issues. A presidential veto is possible. (Mongolian Daily E-Mail, Dec. 15, 2000, via FBIS, Dec. 15, 2000.) The passage of the amendments is the latest step in a series of constitutional conflicts between the legislature and the Constitutional Court. On November 29, 2000, the Court ruled that amendments that had been passed in December 1999 were invalid. (BBC Summary of World Broadcasts, Dec. 4, 2000, via LEXIS/NEXIS, Asiapc library.)

Other issues to be considered in the near future include basic guidelines for privatization of State properties, for which the government is working on a draft, and a law on the status of foreign nationals that has been submitted by the President for parliamentary consideration. The Foreign Minister held a meeting with ambassadors of France, Germany, Great Britain, Japan, Turkey, and the United States to discuss the bill. (Mongolia Daily E-Mail, Dec. 18, 2000, via FBIS, Dec. 18, 2000.) (Constance A. Johnson, 7-9829)

TAIWAN—Economic Crimes

On December 13, 2000, a law was proposed in the Legislative Yüan to toughen measures against economic crimes. Under the "Economic Crime

Law," "economic crimes" would be classified as those that involve at least NT\$10 million (US\$303,030) or more than 50 victims who have suffered losses. They would include credit card fraud, pyramid schemes, Internet financial crimes, computer crimes, professional gambling, illegal collective bidding on public projects, theft, fraud, and any organized economic crime. Penalties for these offenses are expected to be stiffer than under current law.

The draft law provides for the establishment of an Investigation Agency of Major Economic Crimes under the Bureau of Investigation, modeled after a similar unit in the United Kingdom. It would coordinate financial and capital market regulators, including Taiwan's Ministry of Finance and Central Bank of China, to investigate economic criminal activity. The Agency would be empowered to gather criminal evidence more quickly and efficiently.

It is hoped that such a law would be especially effective in combating credit card fraud. The Bankers' Association of the Republic of China, Taiwan ranks Taiwan first in the world for this type of crime. According to the Association, losses to domestic financial institutions due to credit card fraud amounted to more than NT\$1 billion (US\$30,303,030) in 1999, five times the amount reported in 1998. Customers, in turn, pay higher interest rates to cover these losses. (*Taipei Times*, Dec. 14, 2000, via FBIS, Dec. 14, 2000.) (W. Zeldin, 7-9832)

TAIWAN—Entry Controls Eased for Mainland China Visitors

The Legislative Yüan has passed four amendments to the Statute Governing the Relations Between the People of the Taiwan Area and the Mainland Area (promulgated on July 31, 1992, and last revised on May 14, 1997, effective July 1, 1997) (*Tsui hsin liu fa ch'üan shu* (Most Recent Complete Book of the Six Codes) 26 (Taipei, San Min Books, 1999)). The amendments will ease

restrictions on visits to the Republic of China (on Taiwan) (ROC) by citizens of the People's Republic of China (PRC) for the purpose of travel, trade, or teaching. The revisions will go into effect after being signed into law by President Chen Shui-bian.

Qualified mainland China citizens who have formally registered for residence in Taiwan will be permitted to assume teaching posts in Taiwan's universities, research institutes, and social organizations under the amended law. The Chinese mainland spouses of ROC citizens will also be allowed to legally take jobs in Taiwan. The revisions will also resolve the problem of more than 1,000 ROC nationals who have lived continuously in mainland China for over four years and are in danger of losing their ROC citizenship because, under the existing Statute, they are considered citizens of the PRC. (Taipei Central News Agency, Dec. 6, 2000, via FBIS, Dec. 6, 2000.) (W. Zeldin, 7-9832)

TAIWAN-Mini-Links with PRC Approved

The Executive Yüan (Cabinet) of the Republic of China (ROC) on Taiwan has adopted a "Method for Establishing Trial Links of Travel Between Kinmen, Matsu and Mainland Regions," effective January 1, 2001. The measures were announced on December 13, 2000. Postal, transportation and trade links would be established between the two fortified outlying islands of Taiwan and the mainland, especially Fujian Province cities such as Xiamen and Fuzhou. The People's Republic of China will accept the "mini-links" plan, but charged that Taiwan was using the three mini-links to resist moving toward three bigger links, i.e., comprehensive postal, transport, and trade ties between the two sides of the Taiwan Strait, which have been banned since 1949. Opposition legislators in Taiwan were also critical of the plan. According to Fung Hu-hsiang of the New Party, "it's one-way and not two-way traffic.... It merely decriminalizes existing smuggling activities" (Joyce Huang, "Taiwan Set To Open Mini-Three Links Despite Questions," *Taipei Times*, Dec. 14, 2000, via FBIS,

Dec. 14, 2000).

Under the plan, which will be carried out for a trial period of one year, ROC citizens who have been registered for residency in Kinmen and Matsu for at least six months may apply for a permit to visit the Mainland for tourism or business for two to seven days, depending on the nature of the visit. Up to 700 people from Kinmen, and 100 from Matsu, will be allowed to leave from those islands for the Mainland every day. Mainland tourists will be permitted to visit Kinmen for up to two days and Matsu for three; those who wish to visit for other purposes may stay for up to a week. Groups of 10 to 25 people would be allowed to apply for entry through relatives or travel agents on the two islands. They must use the New Taiwan dollar for purchases in the two areas, with certain exceptions.

Provisions will be drawn up on the types of Mainland products that will be allowed into Kinmen and Matsu. They will be accorded duty-free treatment, but transshipment of goods between Taiwan and the Mainland will still be banned, and violators will be punished in accordance with the ROC Customs Office provisions on smuggling. Subject to the approval of the ROC Ministry of Finance and the central bank, direct cross-strait money remittances between Kinmen and Matsu banks and those in Fujian areas will also be permitted. No restrictions will be imposed on indirect banking transactions through foreign banks or banks not located in Taiwan or China.

In response to the question of whether temporary custodial centers for illegal immigrants from the Mainland would be established, Secretary-General of the Cabinet Chiou I-jen stated that "no penalties... were laid out in yesterday's measures, but I believe the police will take care of that problem" (*Taipei Times*, *id.*). (Hong Kong AFP, Dec. 13, 2000, via FBIS online, D e c . 1 3 , 2 0 0 0 ; <http://www.chinaonline.com/topstories/001214/1/C00121303.asp>.)

(W. Zeldin, 7-9832)

EUROPE

CZECH REPUBLIC--Senatorial Elections Under New Law

Elections to select 27 senators were held on November 12 and 19, 2000, on the strength of the Electoral Law of June 23, 2000 (Law No.204, Collection of Laws).

Under the Law, candidates for the Senate's 81 seats must be 40 years old and voters must be 18 years old by election day. Senators are elected for a six-year term, and one-third of the Senate is elected every two years. A first-round election is held to determine the final two candidates and a second to elect the winner, who must obtain a majority of votes. If a candidate obtains a majority in the first round, no second round is held. The winner of the elections was the coalition of four parties, the People's Party, the Union of Freedom, the Democratic Union, and the Civic Democratic Alliance, which gained 17 seats, followed by the Civic Democratic Party with 8. The losers were the Social Democratic Party, with only one seat, and the Communist Party, with no seats. One independent candidate was elected, for a total of 27. The present composition of the Senate is as follows: the Coalition of Four, 39 seats; the Civic Democratic Party, 22; the Social Democratic Party, 15; the Communist Party, 3; and 2 seats are held by independents.

Voter participation in the first round was 33.7% and in the second round 21.6%. Political analysts agree that the low turnout is due to the lack of popularity of the Senate as an institution. The majority of citizens were opposed to the establishment of the Senate and demonstrated their opposition by boycotting the elections. They argue that it is a totally unnecessary institution which must be funded by the taxpayers only to provide well-paid positions to politicians. (*Lidové Noviny* [People's

News], Nov. 20 & 21, 2000, at 1.)
(George E. Glos, 7-9849)

ESTONIA--New Financial Control Authority

The creation of the Central Financial Inspectorate, a new government agency with the authority to oversee and regulate the national financial market, was ordered by the Government of Estonia. This institution will combine the authority of the existing Banking Inspectorate, Insurance Inspectorate, and Securities Inspectorate, replacing all three. According to the Government Regulation, the Central Financial Inspectorate will be managed by a six-member committee, including the Finance Minister, the Central Bank Governor, two government appointed members, and two representatives from the Central Bank of Estonia. The financing of the Inspectorate will be provided by all market participants. (ETA, Estonian News Agency, via <http://www.securities.co.uk>, Dec. 19, 2000.) (Peter Roudik, 7-9861)

ITALY--Identification Cards

In Italy, ID cards are traditionally issued by the municipalities on request. This is often done since they are useful official documents, valid as a substitute for a passport for travel in the Member States of the European Union and in other countries where provided by bilateral agreements.

The Italian Government is now working on the introduction of a new digital version of the card that will contain a much wider range of information than the traditional format and will eliminate the need for many certificates normally issued by the Office of Vital Statistics. This alone is expected to generate savings in the order of billions of *lire*. In addition, the new card will provide automatic access to services such as those of the National Health System and will render even the issuing of the electoral certificate obsolete.

In the Government's proposal, the new card

would include registration of fingerprints and a scan of the retina, an element of novelty that has raised concerns of violation of individual privacy; it has therefore been suggested that the decision on the new cards be postponed until the issue is cleared with the National Authority for the Protection of Privacy. The Authority, whose propensity for the non-mandatory registration of such data is well known, may convince the Government to let the card holder decide whether or not to register the information.

In the meantime, the Government, in cooperation with several municipalities, has launched a pilot project aimed at introducing the new card for 100,000 citizens in 83 municipalities beginning in January 2001, and increasing that number to one million people by the end of the year, according to guidelines issued by a Decree of the President of the Council of Ministers in 1999, and in conformity with the technical and security regulations issued by a Decree of the Minister of the Interiors in July 2000. (*La Repubblica*, Dec. 17, 2000; Italian Official Gazette No. 169, July 21, 2000.) (Giovanni Salvo, 7-9856)

RUSSIAN FEDERATION--Registration of Religious Organizations Closed

December 31, 2000, was the deadline for re-registration of religious organizations. According to the most recent amendment to the Russian Law on Religion and Religious Organizations, those religious organizations that did not re-register with the State authorities may be forced to disband or severely limit their activities. As of September 2000 (the latest date for which data is available), only 56% of previously existing religious organizations had been re-registered.

Many Russian Orthodox parishes, Moslem groups, and Protestant churches, mostly in the distant regions, have ignored the requirement, waited too long, or faced resistance on the part of local authorities and had to spend months fighting in

court. Groups that belong to a "centralized" organization, such as the Moscow Patriarchate or Union of Evangelical Christian Baptists, may be able to register next year, although only as new organizations. The status of small religious organizations new to Russia, often described as "sects," is likely to be downgraded to that of "religious groups." They would thus lose their right to hold services in public places, distribute literature, own property, or invite foreign guests.

Across Russia, authorities have been particularly hard on Pentecostal groups, often denying them registration for reasons such as praying for healing without having a medical license, and on the Salvation Army, which was recently denied registration on the grounds that as an "army" it represents a "security threat." (*Moscow Times*, Dec. 16, 2000) (Peter Roudik, 7-9861)

NEAR EAST

AZERBAIJAN--Trade Navigation Code Adopted

A Code of Trade Navigation has been adopted by the Azerbaijani Parliament, the Milli Mejlis. The Code, which has an important role in establishing communication systems and increasing remittances to the State budget, regulates relations in trade navigation and grants both local and foreign individuals and legal entities the right to use trade vessels. Even though the authors of the Code used documents similar to those adopted in the Baltic States, Russia, and Ukraine in the years 1995-1999 as models, some national provisions are retained in the Code. The Code elaborates the issues of the legal status of the Caspian Sea, navigation in the Kur River, vessel sequestration, ports of destination, and other matters. The most difficult issues are related to the still unsolved problem of the legal status of the Caspian Sea. Because the marine boundaries of the littoral states are still not determined, the

Code was adjusted to be congruent with the Law of Azerbaijan on Offshore Boundary Lines. The recognition of inland waters as offshore boundary lines enables Azerbaijan to detain and examine vessels of Iran, Russia, and Turkmenistan. (MPA Economic News, Dec. 15, 2000, via <http://www.securities.co.uk>.) (Peter Roudik, 7-9861)

ISRAEL--Courts for Administrative Matters

The Courts for Administrative Matters Law, 5750-2000 (available on Takdin (Juridisc) database), is designed to gradually authorize district courts, when sitting as courts for administrative cases, to hear administrative matters that prior to the Law's enactment were heard before the Supreme Court sitting as a High Court of Justice. This transfer of jurisdiction is expected to ease the burden on the High Court of Justice and to facilitate court accessibility to those seeking relief (G. Alon, "Starting Today District Courts Across the Country Will Serve as Small High Courts of Justice," *Haaretz*, Dec. 12, 2000, <http://www.haaretz.co.il/daily/txt/n168565.asp>).

According to the new law, the judges of the courts for administrative cases will be the presidents of the district courts as well as other judges of these courts selected by the presidents in accordance with guidelines established by the president of the Supreme Court. Appeals on decisions of these courts will be heard before the Supreme Court if permission to appeal is granted by a designated Justice of the Supreme Court. Among matters now within the jurisdiction of the courts for administrative matters are those involving property tax, freedom of information, and licensing of educational institutions. (Ruth Levush, 7- 9847)

SOUTH PACIFIC

TONGA--Contract for Genomic Information

The Kingdom of Tonga, an archipelago in the southwestern Pacific, has contracted to grant an Australian biotechnology company exclusive rights to a database of the DNA of its 108,000 inhabitants. The company, Autogen, agreed that all DNA samples would remain the property of Tonga, which would be paid royalties on any commercial applications developed from the data. Tonga is particularly attractive to genetic researchers because of its relative isolation and limited admixture of foreign genes, as well as its Polynesian cultural focus on descent and genealogy, which helps to trace genetic variations across many generations. Autogen's chairman referred to but did not name diseases common in Tonga, but mentioned his company's previous work on genes predisposing to obesity and diabetes. Autogen promised that all DNA samples will be collected voluntarily, with informed consent and no public disclosure of the identity of those contributing. It intends to establish a genetic research facility at the hospital in Nuku'Alofa, the national capital, and employ Tongan researchers and support staff. ("Tongans Sell Right to DNA Data," *Sydney Morning Herald*, Nov. 23, 2000, <http://www.smh.com.au/news.html>; "Tiny Tonga's Clean Genes May Provide Disease Clues," *Reuters*, Nov. 22, 2000.) (D. DeGlopper, 7-9831)

LAW AND ORGANIZATIONS -- INTERNATIONAL AND REGIONAL

AUSTRALIA/NEW ZEALAND--Migration, Benefits and Costs

The December 2000 leak of a confidential Cabinet document in Wellington and public statements by Australia's Minister for Immigration have drawn attention to strains and impending changes in the bilateral agreements that permit citizens of both Australia and New Zealand to freely reside, work, and receive social security benefits in the other country. The free movement

of citizens across the Tasman Sea has been a feature of Antipodean life and society since the early nineteenth century. Under Section 32 of Australia's Migration Act 1958, any New Zealand citizen who is free from tuberculosis and has not been sentenced to 12 months or more in prison may receive a "Special Purpose Visa" that permits indefinite residence, the right to work, and the same welfare benefits as Australian citizens. A number of bilateral agreements concluded since at least 1943 provide for the payment of social security benefits by each government to eligible citizens of the other country. The most recent, the Agreement on Social Security of 1 January 1995, was amended by an exchange of notes at Canberra in October 1999, pending conclusion of a new agreement, which is now expected to be announced in February 2001.

Since the early 1970s, the tide of migration has increasingly run from New Zealand to Australia. In 1995, the Australian government estimated a New Zealand-born population of 291,000, 35% of whom held Australian citizenship. It is generally easier to obtain an immigrant visa for New Zealand than for Australia, and after three years' residence immigrants can obtain New Zealand citizenship. Since the early 1990s, an increasing proportion of those entering Australia have not been New Zealand-born, but rather are recent immigrants who take advantage of their freshly issued New Zealand passports to settle in Sydney or Brisbane. It was this that prompted Australia's Minister for Immigration to refer to "back-door migration" through New Zealand. On December 11, 2000, he claimed that the number of non-New Zealand-born migrants had risen tenfold since 1990, comprising over 30% of the 31,000 New Zealanders who settle in Australia each year. His calls for common selection criteria for migrants were immediately rejected by New Zealand Prime Minister Helen Clark.

On December 12, 2000, the government of Australia confirmed its intention to reduce the automatic welfare benefits, such as unemployment compensation, basic income grants, and single

parent benefits granted to migrating New Zealanders. They would still be entitled to settle and work, but only those who met Australia's standards for permanent residency, such as desired occupational skills and relative youth, would receive family tax benefits, maternity allowances, childcare and housing benefits, and subsidized health care and be eligible to apply for Australian citizenship. It estimated that about half of the New Zealand migrants would qualify. Across the Tasman, the government of New Zealand reiterated its refusal to meet Australian demands for substantial increases in the A\$170 million it provides every year to cover social security costs of its citizens resident in Australia. Prime Minister Clark said that it was necessary to consider the best use of New Zealand taxpayers' money--whether to spend it in New Zealand or send a large check to Australia every year.

In New Zealand, former Immigration Minister Aussie Malcolm, himself born in Australia, condemned the proposed changes as examples of Australian xenophobia and racism, an allusion to the increased proportion of Pacific Island-born and Maori among those moving to Australia. Such citizens are likely to be less highly skilled and well educated and so are not as likely to qualify for permanent residence. He said, "Either we have a common labor market or we don't. You can't separate out the people working and paying tax from the ones looking for a benefit." Australians, while admitting that the stereotype of the New Zealander who lives off welfare has little basis in fact, comment on New Zealand's practice of reducing its unemployment rate by encouraging the jobless and unskilled to move to Australia.

The issues at stake are, as has been pointed out in discussion in both countries, relevant beyond the shores of the Tasman Sea. They involve the increased flow of people across borders, the attempts of governments to attract some migrants and to discourage others, and the complementary attempts of migrants to maximize their benefits by such means as qualifying for citizenship in a country they have no intention of settling in. They

also demonstrate some of the difficulties inherent in free trade agreements and in the free movement of labor across national frontiers. ("Agreement on Social Security of 1 January 1995, ATIS 1995, No. 6, http://www.austlii.edu.au/au/other/dfat/treaty_list/bilist/New_Zealand.html; "NZ Rejects Bid to Halt Back-Door Migration," *Sydney Morning Herald*, Dec. 4, 2000, "Flight of the Kiwi," *Sydney Morning Herald*, Dec. 16, 2000, <http://www.smh.com.au>; "PM Admits Tradeoff on Aussie Welfare," *New Zealand Herald*, <http://www.nzherald.co.nz>.) (D. DeGlopper, 7-9831)

CHILE/MEXICO--Strategic Alliance Forged

Chilean President Ricardo Lagos and Mexican President Vicente Fox signed a bilateral treaty on December 4, 2000, in Mexico City that strengthens their nations' political, economic, commercial, and cultural ties and calls for cooperation in technical matters. The new Mexican president commented that Mexico and Chile are sustained by mutual democratic traditions. The Chilean executive remarked that globalization requires Latin American nations to form alliances. He warned, however, that "globalization can also bear the fruit of inequality if we are not able to mold, with decisiveness and force, a defense for our points of view."

One of the objectives of the governments of Mexico and Chile will be to intensify bilateral cooperation to fight drug trafficking and related crimes. Next year the Third Meeting of the Mexico-Chile Committee of Cooperation Against Drug Trafficking and Drug Dependency will take place to consider binational measures to halt the drug trade. Another hoped for result of the recent meeting in Mexico City is to expand the terms of the 1993 free trade agreement between Mexico and Chile through a Convention on Technical Cooperation, framed by the Mexican Bank of Foreign Commerce. There are also plans to negotiate a Convention on Social Security to benefit Chileans and Mexicans who have salaried positions in both countries. Other agreements in mining and

small and medium-sized business could be forthcoming.

At the meeting in Mexico City, President Fox also took the opportunity to encourage the Chilean government to reach a bilateral trade agreement with the United States that is currently under consideration. (*CNNenEspañol*, Dec. 4, 2000, via <http://cnnenespanol.com/2000/latin/MEX/12/04/chile/index.html>.) (Sandra Sawicki, 7-9819)

CHINA/UNITED NATIONS--MOU on Human Rights

On November 20, 2000, Vice Foreign Minister Wang Guangya of the People's Republic of China (PRC) and UN High Commissioner for Human Rights (HCHR) Mary Robinson signed a "Memorandum of Understanding on the Development and Implementation of Human Rights Technical Programs" (Xinhua, Nov. 20, 2000, via FBIS, Nov. 20, 2000). The Memorandum stipulates, among others, that at China's request the Office of the HCHR will provide China with consulting services and technical assistance related to human rights. For the next two years, cooperation will be in the fields of judicial administration, human rights education, development of economic, social, and cultural rights, and legal system development in the relevant areas ("Efforts To Improve Human Rights Continue," BBC Summary of World Broadcasts, Nov. 23, 2000, via NEXIS/Asiapc Library).

Human rights organizations criticized the document for not including a monitoring mechanism and for lacking the substance to bring about meaningful change. According to Amnesty International and other groups, China "should immediately allow the UN's special rapporteurs to visit China on their own terms to assess the rights situation in the country" (Agence France Presse, Nov. 22, 2000, via NEXIS/Asiapc Library). Human Rights in China (HRIC) said that the Memorandum was watered down from a previous draft, substituting the aim of promoting "better

mutual understanding of human rights issues” for such objectives as the “promotion of and protection of human rights in China” and the “harmonization of national law and practice with international human rights standards.” It also deletes express references to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which China has signed but not ratified. (Agence France Press, Nov. 21, 2000, via NEXIS/Asiapc Library; <http://www.hrichina.org/pr/english/001120.htm>.) During 2001, three workshops will be held, on human rights education, human rights and police, and punishment of minor crimes. HRIC fears, however, that they “will be nothing more than one-shot efforts, with no impact on China’s rights situation,” because they entail an exchange of views between a small circle of handpicked international experts instead of more concrete projects that, in HRIC’s view, would affect a broader circle of personnel (www.hrichina.org, *id.*). (W. Zeldin, 7-9832)

COMMONWEALTH OF INDEPENDENT STATES--International Antiterrorist Center Created

Heads of certain former Soviet states that comprise the Commonwealth of Independent States (CIS) on December 1, 2000, signed the Agreement on the CIS Antiterrorist Center. The statute states that the Center is a permanent CIS specialized agency and is designed to ensure coordination and cooperation among the competent bodies of the Commonwealth states in the field of combating international terrorism and other manifestations of extremism. Among the principal tasks of the Antiterrorist Center, the statute notes, are the formation of a databank on international terrorist organizations in the CIS countries and their leaders and on non-governmental institutions and persons giving support to international terrorists. In addition, the Center will study the state and the trends in the spread of international terrorism both in the CIS countries and in other states. The Center will also participate in the preparation and conduct of antiterrorist command-and-staff and operational-

tactical exercises. A special division will be created in order to provide assistance to interested states of the CIS in carrying out investigative activities and comprehensive operations in the fight against international terrorism and searches for persons who have committed crimes. The Center is also charged with rendering assistance in organizing the training of specialists and instructors for units participating in the fight against terrorism. The number of staff of the Center has been fixed at 60. Financing for the work of the Center will come from the funds of the CIS Member States. The Center’s budget for the year 2001 will be approximately US\$420,000. Overall direction of the Antiterrorist Center will be exercised by the Council of Heads of Security and Secret Service Agencies of the CIS Member States.

Georgia and Ukraine signed the agreement with reservations related to the procedure of enforcement of the Center’s decisions. In Georgia, the decision on the Antiterrorist Center will enter into force upon completion of intra-state procedures, and in Ukraine parliamentary ratification is needed for all the decisions to enter into force. The Azerbaijani Republic noted in a special opinion that it will take part in the work of the Center based on the understanding that the Center’s activities bear an analytical, advisory character and guided by the conformance of each of the measures to be implemented to the national legislation and interests of Azerbaijan. Other signatories to the Agreement include Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tadjikistan, and Uzbekistan. Turkmenistan declined to participate in the Center’s activities. (*Rossiiskaia Gazeta* [Russian Government newspaper], Dec. 5, 2000, via <http://www.rg.ru>) (Peter Roudik, 7-9861)

LAOS/UNITED NATIONS--Human Rights Conventions

On December 7, 2000, the Acting Representative to the United Nations from Laos, Khenthong Nuanthasing, signed two important

human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights (both first opened for signing in 1966). The signing is seen as strengthening the country's standing internationally. (*Bangkok Post*, Dec. 12, 2000, at A3.) Laos has been widely criticized for its human rights record. The most recent U.S. State Department report characterizes the government as authoritarian and describes it as a one-party system with a deteriorating human rights record, including abuse of detainees by security forces, harsh prison conditions, arbitrary arrest and detention, and restrictions on basic freedoms (http://www.state.gov/www/global/human_rights/1999_hrp_report/laos.html.)

(Constance A. Johnson, 7-9829)

MERCOSUR/MEXICO--Talks To Open in 2001

Mexico will open talks at the end of January 2001 with the countries of the MERCOSUR trading bloc--Brazil, Argentina, Uruguay and Paraguay--to negotiate a free trade agreement. The announcement was made by Luis Ernesto Derbez, Mexico's secretary of the economy. Such a pact would link MERCOSUR, the world's third largest commercial union, with Mexico, the second largest economy in Latin America. (*CNNenEspanol*, Dec. 8, 2000, via <http://cnnenespanol.com/2000/econ/12/07/mexico/index.html>.)

(Sandra Sawicki, 7-9819)

THAILAND/UNITED NATIONS--Organized Crime Convention

Thailand recently became a signatory to a UN convention setting global standards in dealing with the prevention and suppression of all forms of transnational organized crime. A Thai delegation was in Palermo, Italy, from December 12-15, 2000, to sign the Convention.

The Convention will become effective 90 days after its ratification by the parliaments of 40 countries. About 100 hundred countries are expected to sign the document, which sets a

standard for international cooperation in dealing with the prevention of crimes and the prosecution and conviction of the perpetrators, as well as the enforcement of judgments against international criminals.

A large number of crimes are covered, including money laundering and corruption. There are also two supplementary protocols to the Convention that deal specifically with the prevention and punishment of the crime of trafficking in women and children and the crime of smuggling migrants by land, sea, and air. It should be noted that Thailand will not sign these two protocols at this time.

The provisions on the standardization of criminal procedures cover the issues of extradition, the transfer of offenders, and mutual assistance between law enforcement authorities throughout the world. The Convention also provides for conferences of signatory countries. These conferences will have the purpose of promoting, monitoring, and reviewing the implementation of the Convention. (*Bangkok Post*, Dec. 10, 2000, at 2.)

(Phuong-Khanh Nguyen, 7-9828)

CUMULATIVE CONTENTS

NOTE: Many of the subject areas below have been covered in Issues 90.1-2000.12 of WLB. For British entries, check England, Great Britain, or United Kingdom, as appropriate. To the extent possible, GLIN legal thesaurus terms have been used to index WLB contents.

- Administrative courts
 - Israel, 2001.01-9b
- Broadcasting
 - China, 2001.01-4a
- Censorship
 - China, 2001.01-4a
- Constitutions
 - Mongolia, 2001.01-5b
- Criminal law
 - China, 2001.01-2a
 - Taiwan, 2001.01-6a

Criminal procedure
China, 2001.01-3b

Election law
Czech Rep., 2001.01-7b
Hong Kong, 2001.01-4b

Financial control authority
Estonia, 2001.01-8a

Freedom of religion
Russian Federation, 2001.01-8b

Human rights
China, 2001.01-12a
Laos, 2001.01-13a

Identification
Italy, 2001.01-8a

International relations
Australia/New Zealand, 2001.01-10a
Chile/Mexico, 2001.01-11b
China/UN, 2001.01-12a
CIS, 2001.01-12b
Laos/UN, 2001.01-13a
MERCOSUR/Mexico, 2001.01-13b
Taiwan/China, 2001.01-6b
Thailand/UN, 2001.01-13b

Libel
China, 2001.01-2b

Maritime law
Azerbaijan, 2001.01-9a

Medical research
Tonga, 2001.01-10a

Narcotics & drug abuse
Hong Kong, 2001.01-5a

Native peoples
Mexico, 2001.01-1a

Natural resources
China, 2001.01-4a

Privatization
Kyrgyzstan, 2001.01-5a

Tobacco & smoking
Mexico, 2001.01-1b

War crimes
China, 2001.01-2b

LAW LIBRARY RESEARCH REPORTS (*for copies of these and other LL products, call the Office of the Law Librarian, 7-5065*) One of the ways in which the Law Library serves Congress is by providing in-depth analyses of how other societies handle some of the same legal issues faced in this country. Recently prepared studies of the following subjects are available:

Abortion (LL96-1)

**Bribery and Other Corrupt Practices
Legislation** (LL95-7)

**Burning and/or Bombing of Places of
Worship** (LL96-8)

Campaign Financing (LL97-3)

Computer Security (LL96-7)

Counterfeit (Copycat) Goods (LL96-9)

Crime Victims' Rights (LL96-3)

Cultural Property Protection (LL96-6)

Firearms Regulation (LL98-3)

Flag Desecration (LL99-1)

Health Care (LL97-1)

Holocaust Assets ([http://www.house.gov/
international_relations/crs/holocaustrpt.htm](http://www.house.gov/international_relations/crs/holocaustrpt.htm))

**Impeachment: A Bibliography of Federal
Law Sources in the Law Library of
Congress** (LL99-2)

Legislative Ethics (LL97-2)

Lobbying (LL96-5)

**Medical Records and Privacy/
Confidentiality** (LL98-1)

Private Foreign Investment Restrictions
(LL96-10)

Product Liability (LL96-2)

Refugees (LL98-2)

Terrorism (LL95-5)

Women--Their Status & Rights (LL96-4)

FOREIGN LAW BRIEFS

Hong Kong: Outlook for the Continued Independence of the Courts
by Mya Saw Shin, June 1, 2000. Order No. LL-FLB 2000.01

Germany: Deregulation of the Electricity Sector
by Edith Palmer, June 19, 2000. Order No. LL-FLB 2000.02

Israel: Campaign Financing Regulation of Non-Party Organizations' Advocacy Activities
by Ruth Levush, July 2000. Order No. LL-FLB 2000.03

France: Adapting the French Legal Framework To Promote Electronic Commerce
by Nicole Atwill, June 2000. Order No. LL-FLB 2000.04

COUNTRY LAW STUDIES

Studies examining an aspect of a nation's laws in-depth or presenting an overview of a legal system:

- ! Italy: The 1995 Law Reforming Private International Law
- ! Estonia
- ! Latvia: The System of Criminal Justice
- ! El Salvador: The Judicial System
- ! Niger: An Overview
- ! United Arab Emirates: Criminal Law and Procedure

WORLD LAW INSIGHT

In-depth analyses of legislative issues involving foreign law, international law, or comparative law, prepared specifically for Congressional use:

- ! The Netherlands: Euthanasia and Assisted Suicide (WLI-6)
- ! The African Growth and Opportunity Act (WLI-5)
- ! Afghanistan: Women and the Law (WLI-4)
- ! Nicaragua: Property Claims (WLI-3)
- ! Hong Kong, China: Some Legal Issues (WLI-2)
- ! Relocation of the United States Embassy to Jerusalem (WLI-1)

LAW LIBRARY SCOPE TOPICS

These studies examine specific legal issues (*for copies, call the Office of the Law Librarian, 7-5065*)

SERIES

Adoption:

- ! China: Adoption (LLST-26)
- ! Ghana: Adoption (LLST-17)
- ! Poland: Adoption (LLST-27)
- ! Russia: Adoption (LLST-16) (upd. 8/98)
- ! Vietnam: Adoption (LLST-15)

International Criminal Tribunal for Rwanda:

- ! Background and Establishment (LLST-28)
- ! The Indictments and Other Proceedings (LLST-29)
- ! Analysis of Rwandan Law (LLST-30)
- ! War Crimes (LLST-31)

SPECIAL LEGAL ISSUES

- ! Israel: International, Israeli and Jewish Perspectives on Cloning (LLST-32)
- ! China: Early Marriage and De Facto Marriage (LLST-25)
- ! United States Courts: Determining Foreign Law--a Case Study (LLST-24)
- ! U.K.: Incorporation of the Eur. Human Rights Convention into Domestic Law (LLST-23)
- ! Self-Determination: Eligibility To Vote in Referendums on (LLST-22)
- ! Former Dependencies: Nationality and Immigration (LLST-21)
- ! France: Trials in Absentia--The Denial of Ira Einhorn's Extradition (LLST-20)
- ! Russian Federation: State Secrecy Legislation (LLST-19)
- ! Organized Crime in Europe: A Challenge for the Council of Europe and the EU (LLST-18)
- ! Israel: Legal Aspects of the Sheinbein Affair (LLST-14)
- ! Russian Federation: New Law on Religious Organizations (LLST-13)
- ! Legal System Reform in China: Lawyers Under the New Law (LLST-12)
- ! Colombia: Euthanasia and the May 1997 Decision by the Constitutional Court (LLST-11)
- ! Israel: Status Report on the Anti-Proselytization Bill (LLST-10)
- ! Dual Nationality (LLST-9)
- ! The 1996 Stockholm Conference Against Child Prostitution and Pornography (LLST-8)
- ! Campaign Time in National Elections Abroad: Legal Limits (LLST-7)
- ! Citizenship Rules of Selected Countries (LLST-6)
- ! The "English Rule" on Payment of Costs of Civil Litigation (LLST-5)
- ! Official Languages: A Worldwide Reference Survey (LLST-4)
- ! Property Rights in the People's Republic of China (LLST-3)



THE WORLD TRADE ORGANIZATION: RECENT DEVELOPMENTS

by Giovanni Salvo, Senior Legal Specialist, Directorate of Legal Research*

DISPUTE SETTLEMENT¹

Implementation Status of Adopted Reports

With the adoption of new legislation, the United States announced on November 17, 2000, that it had implemented the recommendations and rulings of the Dispute Settlement Body (DSB) in the dispute with the European Communities concerning tax treatment of foreign sales corporations.² The EC, on the same date, expressed its view that the United States had failed to comply with the DSB rulings and requested further consultations. In addition, the EC requested authorization from the DSB to take appropriate countermeasures and suspend concessions. On November 27, 2000, the United States requested that the matter be referred to arbitration. Claiming that the consultations had failed to settle the dispute, on December 7, 2000, the EC requested that the DSB establish a panel pursuant to the provisions of the Dispute Settlement Understanding (DSU).

The EC and Japan requested on November 17, 2000, that the reasonable period of time necessary for the United States to implement the rulings of the DSB concerning the dispute on the Anti-Dumping Act of 1916 be determined by arbitration according to the provisions of the DSU.³

On December 12, 2000, in a dispute over export financing programs for aircraft, Canada was authorized by the DSB to suspend the application to Brazil of tariff concessions or other obligations in a maximum amount of C\$344.2 million per year pursuant to arbitrators' findings.⁴

Appellate and Panel Reports Adopted

* Dottore in Giurisprudenza, University of Naples.

¹ [Http://www.wto.org/wto/dispute/bulletin.htm](http://www.wto.org/wto/dispute/bulletin.htm).

² See WLB WTO Update, WLB00.11, Nov. 2000, at 22.

³ See WLB WTO Update, WLB00.12, Dec. 2000, at 25.

⁴ See WLB WTO Update, WLB00.10, Oct. 2000, at 19.

On November 17, 2000, the DSB adopted the panel report circulated on October 24, 2000, in the dispute between Guatemala and Mexico over definitive anti-dumping measures regarding grey portland cement from Mexico. The panel had found against Guatemala.

Appellate Body Reports Issued

The report of the Appellate Body in the dispute initiated by the United States and Australia over Korean measures affecting imports of fresh, chilled, and frozen beef was circulated on December 11, 2000. The Appellate Body reversed the Panel's finding on recalculated amounts of Korea's domestic support for beef in 1997 and 1998 and the related conclusions based on those amounts.⁵

On December 11, 2000, the report of the Appellate Body concerning the dispute between the United States and the EC over import measures on certain products from the EC was circulated. The Appellate Body reversed the Panel findings; however, since the measures at issue in the dispute are no longer in existence, the Appellate Body did not make any recommendation to the DSB.⁶

Panel Reports Appealed

On December 1, 2000, the EC appealed the Panel report circulated on October 30, 2000, regarding the dispute over the European Communities' anti-dumping duties on imports of cotton-type bed linen from India.⁷ The panel had concluded that the EC action was not inconsistent with its obligations under certain articles of the Anti-Dumping Agreement. However, inconsistency with other obligations under the Agreement was also found, since the EC failed, *inter alia*, to explore possibilities of constructive remedies before applying anti-dumping duties.

Active Panels

The DSB established panels in the following disputes:

- EC against Chile over Chilean measures affecting the transit and importation of swordfish, on December 12, 2000;
- EC against India over measures affecting the automotive sector, on November 17, 2000. The DSB decided that this dispute would be incorporated into a single panel with that already established on July 27, 2000, in a similar dispute with the United States;

⁵ See WLB WTO Update, WLB00.09, Sept. 2000, at 22.

⁶ *Id.*

⁷ See WLB WTO Update, WLB99.11, Nov. 1999, at 20.

- United States against the Philippines on measures affecting trade and investment in the motor vehicle sector, on November 17, 2000; and
- EC against Argentina over definitive anti-dumping measures on imports of ceramic floor tiles from Italy, on November 17, 2000.

Pending Consultations

The EC filed a complaint against the United States on November 30, 2000, for its definitive safeguard measures on imports of steel wire rod and circular welded carbon quality line pipe, alleging violation of various provisions of the Safeguard Agreement and of GATT 1994.

The EC had also complained, on November 10, 2000, about the United States' countervailing duties on certain corrosion-resistant carbon steel flat products from Germany.

On the same date, the EC complained about the continued application by the United States of countervailing duties based on a presumption that subsidies granted to a former producer of goods pass on to the new producer following a change of ownership. In the EC view, this is what the US Department of Commerce refers to as change in ownership methodology.

LAW LIBRARY CONGRESSIONAL LEGAL INSTRUCTIONAL PROGRAM

Two seminars on legal and legislative research methodologies exclusively for Congressional staff are taught onsite at the Law Library (James Madison Building):

! Fundamentals of Federal Legal Research

! Legislative History and Statutory Research

Permanent Congressional staff members are also invited to attend a
Law Library/ Congressional Research Service briefing.



To register for any session, **call 7-7904.**

RECENT DEVELOPMENTS IN THE EUROPEAN UNION
by Theresa Papademetriou, Senior Legal Specialist, Western Law Division*

Conclusions of the Nice European Council¹

The European Council, which convened in Nice on December 7-9, 2000, reached a number of important decisions on a variety of issues, including the Charter of Fundamental Rights, the Enlargement, Common European Security and Defense Policy, a new Economic and Social Europe, and a Citizen's Europe. In the area of institutional reform, the European Council concluded that in preparing the Union for enlargement, the following issues needed to be addressed: size and membership of the Commission; weight of votes in the Council; extension of qualified-majority voting, and closer cooperation. All the participants stressed that the above issues will not be considered as a precondition for the accession of new Member States. Other institutional matters that were discussed during the intergovernmental conference were the questions of simplification of the treaties, of allocation of powers between Community, national, and regional authorities, and of incorporation in the Treaty of the Charter of Fundamental Rights. The Council supported the idea that the Charter of Fundamental Rights be disseminated to all citizens of the Union and postponed the issue of the Charter force for the future. On the enlargement process, the European Council in general welcomed the accession negotiations already in place with the candidate countries and stated its commitment to "lend fresh impetus to the process." It confirmed its belief that the Union will be ready to welcome those candidate countries that will be ready as new Members at the end of 2002. The Council urged the candidate countries to accelerate efforts to establish the conditions for adoption, implementation, and practical application of the *acquis communautaire*. The Council will reassess the status of each candidacy when it meets again in June 2001, in Goteborg. In particular, the European Council welcomed the progress that has been made towards implementation of the pre-accession strategy for Turkey. As far as Cyprus is concerned, the Council expressed its strong support for the efforts made by the United Nations to solve the problem pursuant to the UN Security Council resolutions on Cyprus.

Regarding the new Economic and Social Europe, the European Council approved the European Social Agenda, which details specific priorities for action during the next five years, including achievement of full

* LL.B. University of Athens Law School, LL.M. George Washington University, International and Comparative Law.

¹ [Http://europa.eu.int/rapid/cgi/rapcgi.ksh?-action.gettxt=gt&doc=DOC/00/30/0/RAPID&lg=EN](http://europa.eu.int/rapid/cgi/rapcgi.ksh?-action.gettxt=gt&doc=DOC/00/30/0/RAPID&lg=EN).

employment and mobilization of full potential of jobs available; taking advantage of technical progress and of economic and monetary integration; improvement of ease of travel within member states; dealing with population aging; strengthening social cohesion; and affirming the social dimension of globalization. In order to meet the demands of these priorities, the Social Agenda emphasizes quality of training, quality of work, industrial relations and quality of social policy. It calls upon all the institutions of the EU (European Parliament, Council and Commission), the Member States, local and regional authorities, and businesses to work together towards its goals and urges the active use of all existing Community modalities, such as coordination, legislation, social dialogue, support programs, integrated policy approach, analysis and research, and the Structural Funds. It calls on the European Commission to initiate appropriate proposals and exercise its power to implement and monitor the application of Community law and on the Council to implement the Social Agenda.

On health and safety and environmental issues that affect consumers, the Council reached several conclusions. It welcomed the Commission's proposal for a regulation establishing the European Food Authority and the general principles and basic criteria of food law. It urged EU institutions to speed up work so that the Food Authority would begin functioning in 2002. The Council expressed its regret that no agreement on the environment was reached at the recent conference in the Hague and reaffirmed the commitment of the EU to work towards ratification of the Kyoto Protocol, so that it would enter into force at the latest around 2002.

Use of Safety Belts²

The European Commission, as a follow-up to proposals made in its Communication, "Priority in EU Road Safety Progress Report and Rankings of Actions," adopted on March 17, 2000, has devised a number of amendments to the existing Directive pertaining to the compulsory use of safety belts and child restraint systems in vehicles. The overall aim is to make the use of safety belts mandatory in trucks, vans, coaches, and passenger cars for drivers and passengers. Certain existing exemptions related to children would be eliminated. For instance, until now, Member States were allowed to restrain children three years and older in an adult seat. They were also permitted to allow children younger than three years old not to wear a seat belt, if the child was seated in the back and if the car was not equipped with child restraints. The amendments also ban the use of a rearward-facing child restraint system on a front passenger seat, unless the air bag has been disconnected.

² http://europa.eu.int/rapid/cgi/rapcgi.ksh?_action.gettxt=gt&doc=IP/00/1440/0/RAPID&lg=EN.