WLB 2000.10, October 2000

The LAW LIBRARY of CONGRESS

WORLD LAW BULLETIN

Copyright
Criminal law & procedure
Currency operations decriminalized
Dioxin emissions
Domain names & website registration
Genocide, disappearances, & torture
Government action program
Human rights treaties
Lethal injection
Mine resource assessors
Missing journalist
National Security Law
Parliamentary compensation
Patent law
Privatization
Professional service companies
Restitution for expropriations
Same-sex marriages
Small business promotion
Stock manipulation
Troop call-out
Unofficial currency operations
Vehicle crime
Wildlife protection

Updates:

• **World Trade Organization**
• **European Union Developments**

WLB, No. 2000.10

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: David M. Sale, the Director of Legal Research, at 7-4351 or fax: 7-1820.
WLB web address:
http://www.loc.gov/crs/other.html#lawl.

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
Colombia–Genocide, forced disappearances, torture outlawed
–New criminal and criminal procedure codes
–Promotion of small and medium-sized businesses
Mexico–Bill on forced disappearances
–New law protects wildlife

ASIA
China–Copyright case
–Criminal appeals
–Domain name protection, websites
–Lethal injection
–Mine resource assessors
–Patent law modifications
–Reorganization of professional service companies
Mongolia–Government action program
Taiwan–Crackdown on stock manipulation
–Dioxin emission regulations
–National Security Law review

EUROPE
Belgium–Postal service converted
Germany–Parliamentary compensation
–Restitution of expropriated real estate
Netherlands–Vehicular crime
–Same-sex marriages
Ukraine–Parliamentary Commission in missing journalist case
–Unofficial currency operations decriminalized

SOUTH PACIFIC
Australia–Troop call-out law

LAW AND ORGANIZATIONS–INTERNATIONAL AND REGIONAL
Australia/UN–Human rights treaties

PLUS: Law Library product listings

Yellow Page Features:

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

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

AMERICAS

COLOMBIA–Genocide, Forced Disappearances, Torture Outlawed

On July 6, 2000, President Andres Pastrana Arango signed Law No. 589, which outlaws genocide, forced disappearances, forced displacement, and torture, signaling a hard-fought victory for Colombian human rights activists. Pastrana commented that his signing of the Law represented an expression of respect for "the spirit of so many who suffered and the families who have searched desperately for their loved ones." During a 36-year guerrilla war, over 3,000 Colombians have been reported missing, victims thought to have been abducted and killed by security forces intent on eliminating opponents of the government.

The new Law introduces dozens of articles to the Criminal Code on these crimes and sets harsh penalties. Any person belonging to an armed group on the fringes of the law who deprives another person of his freedom in any way, conceals him, and does not offer information on his whereabouts can be sentenced to prison for 25 to 40 years, fined from 500 to 2,000 times the legal minimum wage, and deprived of his civic and public rights for five to ten years. Subsequent articles of the Code specify aggravating circumstances that extend the penalty of imprisonment from 40 to 60 years. Punishment can be reduced under certain circumstances, however, including when perpetrators and accomplices voluntarily free the victim in the same physical and mental condition as when he was taken or when captors provide information that leads to the recovery of the victim unharmed.

Forced displacement occurs when the perpetrator arbitrarily through acts of violence or other restrictive actions forces one or more persons of a sector of the population to change his place of residence. The punishment for this crime is 15 to 30 years of imprisonment, fines from 500 to 2,000 times the legal minimum wage, and loss of civic rights for five to ten years.

Genocide is defined as a crime in which a person aims to destroy totally or partially a national, ethnic, racial, religious, or political group and is punishable by 45 to 60 years in prison, a fine, and loss of civic rights for five to ten years. Torture occurs when one person inflicts grave physical or psychological injury or suffering on another to obtain information or a confession or as punishment for a committed or suspected act. Punishment consists of imprisonment from 8 to 15 years, a fine similar to those for crimes already described, and the loss of civic rights for a period of time.

The Law creates a new national permanent body, the Commission on Searching for Disappeared Persons, to investigate forced disappearances. The Colombian Government must also design and put into effect a National Registry of the Disappeared, which will include all information on disappeared persons and on the burial and exhumation of cadavers of unidentified persons. The Law also institutes a new mechanism, called the Urgent Search (*Busqueda Urgente*), which allows a family member or loved one to request from any judicial authority an immediate investigation to find a person whose whereabouts are unknown. If the disappeared person is located and has been deprived of his freedom by a public servant, the judicial authority can order an immediate transfer of the person to the nearest detention center and file a writ of habeas corpus. (*Diario Oficial, Edicion Extraordinaria*, July 7, 2000; *The San Francisco Examiner*, July 10, 2000, via http://eXaminer.com/ap_i/AP_Colombia_Human_Rights.html.)
[GLIN] (Sandra Sawicki, 7-9819)

COLOMBIA–New Criminal and Criminal Procedure Codes

The Colombian Government promulgated a new Criminal Code, contained in Law No. 599, and a new Criminal Procedure Code, contained in Law

No. 600, on July 24, 2000. The new Codes will enter into force one year after this date. (*Diario Oficial*, July 24, 2000.)

The new Criminal Code, which will replace the Code enacted in 1980, gives prominence to crimes against life and personal integrity, which include genocide, homicide, personal injury, abortion, wounding of the fetus, abandonment of children and the handicapped, failure to offer help to an endangered person, and manipulation of human genes. Under crimes against the family, the Code cites domestic violence; allowing children under 12 years of age to beg on the street; unlawful adoptions; denying food to parents, children (both natural and adoptive), and spouses; incest; and suppression or alteration of another person's civil status.

The Code includes crimes against copyright and against natural resources and the environment. Under crimes against public health, the Code now includes narcotics trafficking and related activities. The Code also covers crimes against public administration, which in addition to embezzlement, bribery, influence peddling and abuse of authority, now include channeling of public funds by public servants to illegally benefit precious metal miners or dealers and conclusion of illegal contracts.

The new Criminal Procedure Code, which will supersede the Code enacted in 1991, includes a Title on duties and rights of officials in the judicial branch and duties of the individuals being processed (Title IV, Book I). Title III, Book III, now deals with investigation and judgment by the Chamber of Representatives, a branch of the legislature, of punishable behavior committed in the course of duty by the President of the Republic, judges of the Supreme Court of Justice, the Council of State, the Constitutional Court, the Superior Council of the Judiciary, or the Inspector-General of Colombia. The same Title also covers the judicial procedures to be undertaken by the Colombian Senate, once charges against these public officials have been received from the Chamber.
[GLIN] (Sandra Sawicki, 7-9819)

COLOMBIA--Promotion of Small and Medium-Sized Businesses

Special legal mechanisms have been put into place under Law No. 590 of July 10, 2000, to benefit micro-, small-, and medium-sized businesses operating in Colombia. According to the Law, a micro-sized firm does not have more than 10 employees and has total assets equal to under 501 times the legal monthly minimum wage; a small business, between 11 and 50 workers and total assets equal to between 501 and less than 5,001 times the legal monthly minimum wage; and a medium-sized enterprise, between 51 and 200 employees and total assets worth between 5,001 and 15,000 times the legal monthly minimum wage. (*Diario Oficial*, July 12, 2000.)

The Law identifies two federal entities with a special role to play in supporting the three types of businesses: the Superior Council of Small and Medium-Sized Enterprises and the Superior Council of Micro-Enterprises. Both groups will define, develop, and execute public policies to promote their constituent firms and create regional councils to strengthen businesses targeted by the Law. Law No. 590 also creates a Colombian Fund for Modernization and Technological Development of Micro-, Small-, and Medium-Sized Businesses, with an annual budget of 20 million *pesos* (about US$9 million), to finance projects, programs, and activities that enhance technological applications for these enterprises.

Access to markets of goods and services and to financial markets by the three categories of enterprises is facilitated by the Law. National, regional, departmental, municipal, and district-level public agencies must promote and coordinate

national and local fairs, exhibitions, and permanent information channels to open markets for the enterprises. The Superior Council of Foreign Trade is called upon to study and recommend to the national government policies and programs to encourage the firms to export their products. Under the new Law, the Colombian Government will ease the awarding of loans and lines of credit to establish new enterprises, bolster financial intermediaries to support these firms, and identify and correct, within its power, any obstacles in the marketplace for the businesses. The government will also create policies to encourage the creation of businesses by young professionals, technicians, and computer entrepreneurs.
[GLIN] (Sandra Sawicki, 7-9819)

MEXICO–Congress To Consider Bill on Forced Disappearances

On September 12, 2000, a bill to punish politicians, police, and military officers who are responsible for the forced disappearances of individuals was introduced into the Mexican Chamber of Deputies by elected representatives of the Democratic Revolutionary Party and the National Action Party. The bill provides for 15 to 40 years' imprisonment for anyone convicted of this crime. Public servants found guilty will be removed from their positions and disqualified from holding other government employment or elected public office.

The Eureka Committee, a group representing the families of disappeared persons, held a news conference before the bill was introduced and said that it knows of about 500 persons who have disappeared due to political reasons, most of them in the 1970s during the presidency of Luis Echeverria. (*CNNenEspanol.com*, Sept. 12, 2000, via http:// cnnenespanol.com/2000/latin/MEX/ 09/12/ desapariciones/index.html.)
(Sandra Sawicki, 7-9819)

MEXICO–New Law Protects Wildlife

President Ernesto Zedillo Ponce de Leon signed the General Law of Wildlife on June 28, 2000, which repeals the Federal Hunting Law of January 5, 1952. It embodies national policies concerning conservation of wildlife and wildlife habitats and aims to restore and maintain biological diversity of animal species that are valuable to Mexico. (*Diario Oficial*, July 3, 2000.)

The Law assigns well-defined responsibilities to authorities at the federal, federal district, state, and municipal levels. It allows authorities to intervene in activities related to the use of soil, water, and other natural resources for agriculture, animal husbandry, fishing, forestry, and other endeavors and to adopt whatever measures are necessary to prevent, repair, compensate, or minimalize negative effects on wildlife and wildlife habitats. The Secretariat of the Environment, Natural Resources, and Fishing will design and implement statutes that will contain criteria, methodologies, and procedures to apply in programs protecting wildlife. This federal agency will also develop and promote, in coordination with the Secretariat of Public Education, programs for environmental education, training, professional schooling, and scientific research.

Methods of conservation and sustainable use of wildlife that have been instituted by rural communities will be respected and maintained. Federal, federal district, and municipal authorities must treat wild animals with respect during their transfer, exhibition, quarantine, training, marketing, and, if necessary, sacrifice, to ease suffering and trauma. Other subjects covered by the new Law include: establishment of centers for conservation and research; identification of endangered species; creation of wildlife refuges; conservation of migratory species; performance of control, oversight, and inspection activities by the environmental secretariat; and specification of violations and corresponding penalties.

[GLIN] (Sandra Sawicki, 7-9819)

CORRECTION: In September's* World Law Bulletin *President Zedillo was incorrectly referred to as "former President," due to an editorial error, not a mistake by the author. President Zedillo will remain in office until December 2000.

ASIA

CHINA—Copyright Case

The largest copyright dispute in China since 1949 in terms of the number of authors involved was settled by the Beijing First Intermediate People's Court on August 25, 2000. Twenty-nine renowned contemporary writers filed a lawsuit with the court in June 2000 against the Jilin Photo Publishing House (JPPH) and the Beijing Xinhua Book Co. Ltd. for allegedly infringing copyright by illegally publishing and distributing "Classical Essays by Famous Chinese Writers of the Twentieth Century," a book series comprising almost 100 volumes. The series contained the collected works of many authors, including Ba Jin, Bing Ling, and Wang Meng, but the Jilin company did not obtain permission from the authors or their legal copyright owners to reproduce them, nor did it remunerate them. The plaintiffs also did not approve of the title, selection method, or layout of the series. Distribution by Beijing Xinhua also constituted copyright infringement, they argued. The value of the subject matter involved was placed at more than three million *renminbi* (US$362,319).

The authors asked the Court to order JPPH to immediately stop distribution of the series, pay 99,000 rmb (US$11,957) in damages to each of the authors/legal copyright owners, and pay each one an additional 10,000 rmb (US$1,208) for psychological damage. They also requested that JPPH be ordered to publish an open apology in two publications and to pay for all litigation costs.

The Court agreed with the plaintiffs' contention that JPPH's publication of their works without authorization constituted infringement and that they were liable for damages. It ordered JPPH to stop publishing the series as of the day of the verdict and ordered Beijing Xinhua to stop sales. The Court ruled that JPPH must make a public apology in *Xinwen Chuban Bao* (Press and Publishing News) and pay 23,760 rmb (US$2,870) to each of the 29 authors/copyright owners as compensation for copyright infringement. The Court rejected the request for compensation for psychological damage. (Xinhua, Aug. 25, 2000, via FBIS, Aug. 25, 2000; http://www.chinaonline.com/topstories/000828/1/C00082510.asp.)
(W. Zeldin, 7-9832)

CHINA–Criminal Appeals

China has established a special prosecution office within the Supreme People's Procuratorate (SPP) to handle criminal appeals. The purpose is to help maintain justice for those wronged by judicial bodies. According to Han Zhubin, Procurator-General, people have had difficulty finding ways to lodge complaints against the judiciary; the new office will serve justice by assisting those whose cases were mishandled.

The appeals handled by procuratorates nation-wide have been growing over the past ten years, particularly following the implementation of the State Compensation Law in 1995. The number of cases filed reached 8,699 in 1999, a 77.7% increase from 1990. Compensation paid to wronged parties has also risen; over the past five years a total of 26.69 million *renminbi* (about US$3.2 million) has been paid in 965 cases.

The head of the new office, He Yehui, has stated that a number of criminal appeals have never been considered by prosecutors, with

backlogs created when procurators at the lowest administrative levels are reluctant to handle appeals from the areas under their jurisdiction. Complainants then file at higher-level procuratorates, resulting in too heavy a caseload. He stated that all criminal appeals should be examined and a timetable for the process should be established. In order to regularize procedures, the SPP is working on a draft 44-article regulation on how cases are to be handled. (*China Establishes Prosecution Office for Criminal Appeals*; *PRC Procuratorate Said Drafting Procedures for Handling Penal Compensation*, both in Xinhua Sept. 9, 2000, via FBIS, Sept. 9, 2000.)
(Constance A. Johnson, 7-9829)

CHINA–Domain Name Protection and Website Registration in Beijing

The Higher People's Court of Beijing has formulated new rules for settling disputes over registration of Internet domain names, which will be implemented soon in all Beijing courts. If implementation of the measures goes smoothly, they may be adopted throughout the country. The rules are aimed at protecting against registration of domain names that harm, or have the potential to harm, trademark owners. Any person who attempts to register a trademarked name may be subject to a fine. The measures stipulate that registering names of existing companies will not be allowed and that no Beijing court will permit such acts. Judges will grant registration only when a domain owner has strong reasons supporting his ownership. "Vicious domain name registering" is also defined under the new document. It provides that "anyone who deliberately confuses their domain name with a famous trademark to confuse people to help sell goods or fulfil some other goal will not be allowed to get away with it." Domain names that are registered to prevent other trademark owners or competitors from registering or that harm others' reputations will also be considered void. (Guo Aibing, "New Rules To Settle Internet Name Rows," *China Daily*, Internet version, Aug. 26, 2000, via FBIS, Aug. 26, 2000.)

It may also be noted that on August 28, 2000, the Beijing Municipal Administration for Industry and Commerce (BMAIC) issued regulations on registration of websites and the supervision of business websites. The BMAIC is responsible for website registration nationwide. The new regulations provide that each applicant can register three website names at most and that no institution or individual may use already extant names to register a new site. Procedures for transfer, cancellation, and annual examination of website names are also set forth. All business websites—those founded by enterprises or involved in business activities—must be registered with the BMAIC. The new measures also cover business website transfer, cancellation, annual examination, and changes in data. ("Beijing Issues Regulations on Website Registrations," Xinhua, Aug. 28, 2000, via FBIS, Aug. 28, 2000.)
(W. Zeldin, 7-9832)

CHINA—Lethal Injection

On August 31, 2000, a vice-president of the Supreme People's Court (SPC) indicted that lethal injection will now be used throughout the country in the execution of death sentences, even though the current standard method, by shooting, will also continue. The SPC has formulated draft regulations on several key issues related to adoption of the lethal injection method and submitted them to the SPC adjudication committee for deliberation.

Lethal injection was included for the first time as a means of execution under the revised Law of Criminal Procedure, effective January 1, 1997, and the first trial use of the method was carried out in Kunming, Yunnan Province, in March 1998. The procedure has also been used on a trial basis in other cities, such as Wuhan, Chengdu, Hangzhou, and Luoyang. (Xinhua, Aug. 31, 2000, via FBIS, Aug. 31, 2000.)

(W. Zeldin, 7-9832)

CHINA–Mine Resource Assessors

The Ministry of Land and Resources (MLR) has issued a new regulation to standardize the qualifications of mine assessors and thereby facilitate the transfer of mineral exploitation rights. The Mineral Resources Law (1996) stipulates that foreign or private companies may prospect for and extract mineral resources in China after they have paid the central government fees for the transfer of mineral prospecting and exploitation rights. Evaluation of the resources is needed to determine those fees.

Under the regulation, before receiving government approval, those who evaluate mineral resources must have standard mine assessment qualifications. The assessors must be Chinese citizens with at least a master's degree and a certain period of experience in mine resource assessment work. After passing a standardized examination (the first of which will be held by the end of 2000), mine assessors will be eligible for employment with mine evaluation agencies, and their employers will register them with the government. At present, there are 22 MLR-approved evaluation agencies in China. Thus far, there are no foreign mineral resource evaluation agencies in the country. (Jia Hepeng, "Standard Set for Mine Resource Assessors," *China Daily*, Internet version, Aug. 25, 2000, via FBIS, Aug. 25, 2000.)
(W. Zeldin, 7-9832)

CHINA–Patent Law Modifications

On August 25, 2000, the Standing Committee of the National People's Congress adopted amendments to the Patent Law. The amendments are the second revisions to the Law, originally enacted in 1984 and amended previously in 1992. The new version will become effective on July 1, 2001. The Commissioner of the State Intellectual Property Office (SIPO), Jiang Ying, has called the new provisions milestones in the country's intellectual property development process that will have a far-reaching influence on scientific and technological innovations. (Xinhua, Sept. 1, 2000, via FBIS, Sept. 1, 2000.)

The revisions include strengthened protection for patent rights through improved judicial and administrative enforcement. They authorize patent administrators to confiscate illegal income and fine patent violators. This form of punishment will supplement efforts by the courts to fight infringement of rights.

Procedures for patent examinations will be streamlined, with the introduction of a patent examination system designed to be impartial and efficient. In addition, the revised law promotes fair competition between State-owned and private businesses, since State-owned enterprises will have the same treatment as others in filing and obtaining patents. The new Law also defines remunerations and awards for inventors employed by enterprises, in an effort to encourage technological innovation.

Once the amendments become effective, China's law will be in line with the agreement of Trade Related Aspects of Intellectual Property Rights (TRIPS), according to SIPO. That is an important step for China's bid to enter the World Trade Organization. (Xinhua, Sept. 2, 2000, via FBIS, Sept. 2, 2000.)
(Constance A. Johnson, 7-9829)

CHINA–Reorganization of Professional Service Companies

In a move described as "one of the most important State Council requirements to sort out and reorganize the country's professional service industry," the State Council has mandated that companies such as law offices and certified public accountants' offices sever their ties with government departments before October 31, 2000. According to Li Yong, Assistant Finance

Minister, "[t]here will be a firewall between the staff of professional service companies and government bodies, and companies will no longer be included in the budgets of government departments" (*China Daily*, Internet version, Aug. 25, 2000, via FBIS, Aug. 25, 2000). In addition, the companies that conduct similar business must merge into larger ones, and standardization of operations of professional service companies will be required. The purpose of the reorganization is to ensure "that the work of service providers…is independent and unbiased" and "to improve the Chinese market economy" (*Id.*)
(W. Zeldin, 7-9832)

MONGOLIA–Government Action Program

The Government has announced a plan for action for the next four years, including a number of reforms of the legal system (published in the newspaper *Unuudur*, Sept. 7, 9, & 11, 2000, reported in Mongolian E-mail News, Sept. 11, 2000, via FBIS, Sept. 11, 2000). The overall goals are to continue and extend economic reform, to develop education and culture, to raise living standards and create an effective social welfare system, to reduce the difference between urban and rural development, and to establish a responsible, effective administration of the nation.

The program is divided into several topical sections. The first, covering social policy, includes provisions on ensuring universal basic education, improving the quality of health care and prevention measures, cultural development, enhancing science and technology, and protection of living standards through the effective distribution of wealth. Under economic policy, the government stresses the stability of the economy, development of the banking system, including privatization of commercial banks, support for export of mining products and for agriculture in general, and development of tourism.

In the area of defense and foreign policy, the program calls for renewal of the laws and regulations related to defense, the creation of an environment favorable to the protection of the independence of the country, and an open-door foreign policy.

Legal reform is stressed in the section on strengthening order and observance of law in the country, together with improving the reputation and quality of the civil service and fighting corruption.

The program also has provisions on rational use of natural resources, including the development of norms of citizens' rights and obligations regarding the environment, and provisions on building the infrastructures of the various regions of the country, including such projects as hydro and thermo power stations.
(Constance A. Johnson, 7-9829)

TAIWAN–Crackdown on Stock Manipulation

As a part of the government initiative to reduce corruption in Taiwan, the chairman of the Securities and Futures Commission (SFC), Lin Tzong-yeong, announced that a new system to monitor trading and transactions between large conglomerates will be established. The goal is to prevent illegal manipulation of share prices and to penalize firms that behave improperly. "The SFC is also planning to increase the criminal penalty for public companies conducting illegal transactions and insider trading," Lin stated at a meeting of the Cabinet.

Premier Tang Fei also addressed the issue, urging the SFC to cooperate with prosecutors in pursuing criminals in the securities market and stating that agencies should develop a legal framework for amending the Securities and Exchange Law. The SFC has been instructed to map out and publicize the related regulations that will be needed. In addition, the SFC is to develop

measures for the implementation of extended stock market trading sessions and opening of investments made through stock brokers. (*Central News Agency*, Sept. 13, 2000, via FBIS, Sept. 13, 2000; *Taipei Times*, Sept. 14, 2000, via FBIS, Sept. 14, 2000.)
(Constance A. Johnson, 7-9829)

TAIWAN–Dioxin Emission Regulations

The Environmental Protection Administration (EPA) has issued regulations for small-scale incinerators (which burn less than 10 tons of waste per hour) with a view to reducing dioxin emissions from the furnaces by more than 75% once the standards come into effect in 2004. Announcement of the regulations was made on September 19, 2000, about nine months after administration officials revealed, under questioning by legislators, the high level of the emissions. According to EPA data, the small incinerators' emissions are 26 times higher than those of large incinerators. The EPA action was apparently taken in response to criticism from environmentalists and legislators.

EPA officials stated that if the regulations are carried out, the dioxin emissions from Taiwan's 91 small incinerators would be reduced by 76% annually. Under the new regulations, the small incinerators are divided into two categories: those that burn more than four tons of waste per hour, and those that burn less than four tons per hour, with different standards assigned to each. Existing incinerators must meet the standards by 2003 and 2004, respectively. New furnaces must comply by 2001.

EPA administrator Lin Chun-i stated in regard to large-scale incinerators in Taiwan that "when the dioxin emission standard for [such furnaces] comes into effect in 2001, it will be the strictest regulation for large-scale incinerators in the world, at 0.1ng-TEQ per cubic meter" (*Taipei Times*, Sept. 20, 2000, via FBIS, Sept. 20, 2000). New operation standards, periodic inspections, and special reporting procedures will also be introduced to prevent unacceptable dioxin emissions due to incomplete combustion caused by insufficiently high incinerator temperatures. (*Id.*)
(W. Zeldin, 7-9832)

TAIWAN–National Security Law Review

In considering an appeal to the High Court, Judge Chen Jung-ho agreed with an argument against the constitutionality of the National Security Law and applied for a review of the Law by the Council of Grand Justices.

The Law, enacted in 1987, requires nationals to apply to the Bureau of Entry and Exit for permission to enter or leave the Republic of China (ROC) on Taiwan. The Bureau can reject applications on the grounds of national security; infractions of the Law are subject to a punishment of up to three years in prison.

The use of the Law against political dissidents, notably to prevent the return to Taiwan of well-known critics of the government, has long been criticized as violating freedom of movement. In the case recently considered by the High Court, Peter Huang (Huang Wen-hsiung) was found guilty earlier this year of violating the National Security Law and given a sentence of five months in jail by a district-level court. Huang was well known in Taiwan for his failed 1970 attempt in New York City to assassinate Chiang Ching-kuo, then the President. As a result of that incident, Huang remained on the top of a government blacklist of those not permitted to return to Taiwan through the entry application procedure. Following his secret return in 1996, Huang was arrested and tried for illegal entry. In his appeal, he argued that the Law violates the constitutional provisions on the rights of individuals.

Judge Chen stated that the right to leave and return to one's own country is a fundamental human right. He also argued that the Law was originally drafted in part to restrict the entry into

Taiwan of residents of mainland China, but since those residents do not have ROC passports, it is proper to give them treatment different from that given ROC nationals who do have passports. He sent the case on to the Council in September. (*Taipei Times*, Sept. 20, 2000, http://www.taipeitimes.com/news/2000/09/20/story/0000054131.)
(Constance A. Johnson, 7-9829)

EUROPE

BELGIUM--Postal Services Converted Into a Public Company

The Royal Decree of March 17, 2000, on the Approval of the Conversion of La Poste into a Public Company and the Approval of its Statutes (*Moniteur Belge*, Mar. 22, 2000) endorses the decision of the Administrative Council taken on February 18, 2000, to convert the postal service into a public company, together with its statutes. La Poste became a public company governed by the Law on Commercial Companies, with a capital of 300 million *euro* (US$1 equals about 1.10 *euro*). Its seat is in Brussels and its purpose is to manage the postal services. Public authorities must always hold over 50% of its capital. It is governed by a board of directors of 14 members, appointed for a renewable term of six years. Directors representing participating public authorities are appointed by the government, including the chairman. The board makes decisions by majority vote, its quorum being the majority of its members.

Day-to-day management is handled by a manager, assisted by a management committee of his or her choosing. Supervision of operations is exercised by a supervisory committee of four commissioners, two appointed by the Audit Office and two by the Institute of Auditors. The Company is further supervised by the pertinent minister through a government-appointed commissioner.

The general meeting of shareholders has all the powers granted to such meetings under the law on commercial companies. It is presided over by the chairman of the board of directors and can transact business and make decisions when at least one-half of the capital is represented. An annual report of the Company's activities must be submitted to the pertinent minister before April 30 of the following year. Modification of the Company statutes may be made by a Royal Decree. The Company may be dissolved only by means of a law.
(George E. Glos, 7-9849)

GERMANY–Parliamentary Compensation

The Federal Constitutional Court held that it was unconstitutional for the State (*Land*) of Thuringia to grant additional compensation to members of the State legislature for holding special positions within the legislature. The Court reasoned that such special treatment of Members of Parliament interfered with their equal status and free voting rights.

The decision of July 21, 2000 (2 BvH 3/91) ruled on portions of section 5 of the Act on Members of Parliament of the State of Thuringia that are no longer valid (Feb. 13, 1991, *Gesetz-und Verordnungsblatt für das Land Thüringen*, at 27). These granted additional compensation to members of the state legislature who held the positions of faction leaders, deputy faction leaders, committee chairmen, or faction managers. Of these, only the compensation for the faction leaders was held by the Court to be appropriate.

The remunerations for the other parliamentary offices were held to violate not only principles of Thuringian constitutional law, but possibly also article 38, paragraph 1, of the Federal Constitution (May 23, 1949, *Bundesgesetzblatt* at 1), which requires that Members of the Federal Diet represent the whole people, not be bound by orders and instructions, and be subject only to

their conscience. The Court reasoned that special pay for special offices within the Parliament would turn the parliament into a career service and would distract the legislators from proper legislative work by focusing their attention on the pursuit of the pecuniary advantages of certain parliamentary positions. Special pay for faction leaders, on the other hand, was held to be unobjectionable because each party in Parliament only has one faction leader and no bureaucratic hierarchy is created through these positions.

The decision casts doubt on the constitutionality of the practices of other German legislatures, many of which grant extra pay to members with special functions. However, the decision is not worded very broadly, so each legislature would have to be adjudged according to the constitutional framework by which it is governed.
(E. Palmer, 7-9860)

GERMANY–Restitution of Expropriated Real Estate

The Federal Administrative Court ruled that property formerly expropriated for NATO purposes must be returned to the former owners if the property was vacated by the Allied NATO Forces (decision of Aug. 31, 2000, docket number 4 c 8.99). At issue was a parcel of real estate on which rowhouses used as barracks by British troops stationed in Germany had been erected. The British gave up this property in 1991, and the German Government had refused to return the land to the former owners on the grounds that it intended to use the facility as housing for the German Armed Forces.

In its decision, the Court interpreted the Real Estate Procurement Act of 1957 that allows for the expropriation of land for military purposes (*Bundesgesetzblatt* I at 134). The Act provides that land no longer used for purposes of national defense has to be returned to the former owner. The Court held that the use of the property for military housing was not a strategic necessity in that housing could be procured for the German Armed Forces in other ways than by using expropriated land. The Court furthermore held that the changes made on the property, that is, the building of rowhouses, were no bar to restitution because such houses could easily have civilian uses.
(E. Palmer, 7-9860)

THE NETHERLANDS--Vehicular Crime

Due to an 8% rise in the number of cars stolen in the first half of 2000 compared to the same period last year, measures to tackle vehicle crime are to be intensified. This was stated by the Dutch Minister of Justice at the start of a national campaign entitled "Unstartable, unstealable," which has been mounted by the Anti-Vehicle Crime Association to encourage the fitting of vehicle immobilizers. The Association also urges that the duties of the customs authorities be expanded to include tracing stolen vehicles, that better car security be introduced, and that the police be given the latest technology to improve detection. In one area of the country, voluntary neighborhood watches are being used to identify stolen vehicles. By entering the registration number of a vehicle in a small hand-held computer, participants can immediately learn whether a "suspect" vehicle is registered as stolen. The neighborhood watch can then alert the police. The Netherlands National Police Agency has developed a comparable system, which enables suspect registration numbers to be identified on closed-circuit television. This system can be used in large-scale police motorway operations. Both projects will be evaluated. (Press Release, Ministry of Justice, Sept. 1, 2000, http://www. minjust.nl:8080/c_ actual/ persber/pb0629.htm.)
(Karel Wennink, 7-9864)

THE NETHERLANDS--Same-Sex Marriages

On September 12, 2000, the Lower House of Parliament approved a Government bill to open the institution of civil marriage to couples of the same sex. The basic premise of the bill is that homosexual and heterosexual couples should be accorded equal treatment in relation to the institution of marriage. It follows that the present rules governing the contracting, dissolution, and consequences of marriage will also apply to a marriage between persons of the same sex. This means, for example, that a divorce can take place only through the courts and that rules for maintenance of a former spouse will be the same. The Upper House of Parliament, which still has to approve the bill, has voiced no opposition; after that approval it will most likely become law in January 2001. (NRC-Handelsblad, Sept. 13, 2000, http://www.nrc.nl/W2/Nieuws.)
(Karel Wennink, 7-9864)

UKRAINE–Parliamentary Commission Formed in Missing Journalist Case

The Verkhovna Rada (parliament) of Ukraine has set up a special commission to look into the disappearance since September 16, 2000, of Heorhiy Gongadze, a Ukrainian journalist who had been a frequent critic of President Kuchma. (http://news6.thdo.bbc.co.uk/hi/english/world/europe/newsid%5F935000/935790.stm, visited Sept. 27). Described in one media report as a responsible person and father of three-year old twins, Gongadze had exposed corruption in high places in Ukraine. The case has prompted street demonstrations and candlelight vigils in Ukraine and has also elicited the concern of Amnesty International, the Vienna-based International Press Institute, and the Committee to Protect Journalists, in New York. (http://www.cjp.org.)

Before his disappearance, Gongadze stated that he and his colleagues were the subject of police harassment and were being falsely suspected of involvement in a murder in the Ukrainian port city of Odessa. President Kuchma has reportedly "ordered law-enforcement bodies to pay special attention to the case," according to a Kyiv Post report (http://www.kpnews.com/main, visited Sept. 18, 2000). On September 19, at the initiative of Hryhory Omelchenko, a Member of the Rada, that body sent an official request for an investigation and a demand that high-ranking police security officials personally oversee the investigation of Gongadze's disappearance. Ukrainian journalists sent an open letter to the President and the Rada, stating that "[d]uring the years of Ukrainian independence, not a single high-profile crime against journalists was fully resolved" (*Id.*, Sept. 19, 2000).

Although newspapers and television broadcasts do contain some material criticizing or satirizing government officials and actions in Ukraine, some journalists have reported being assaulted, and two journalists have died in Ukraine in recent years: one was shot in 1997 and another was found hanged in 1998. (*Id.*)
(Natalie Gawdiak, 7-9838)

UKRAINE–Unofficial Currency Operations Decriminalized

Unofficial currency operations, including the sale and purchase of hard currency, had been punishable as violations of article 80 of the Criminal Code. Since January 1992, those convicted were subject to five years in prison with confiscation of the hard currency, to two years of correctional labor, or to a fine. New legislation amends article 80 to decriminalize such operations on May 19, 2000. The bill, which was initiated by a presidential proposal, passed by the required minimum of 226 votes. (http://www.kpnews.com/main, visited Sept. 18, 2000).
(Natalie Gawdiak, 7-9838)

SOUTH PACIFIC

AUSTRALIA–Troop Call-Out Law

On September 6, 2000, Australia's Parliament passed the Defence Legislation Amendment (Aid to the Civilian Authorities) Act 2000. The Act clarifies the powers of the federal and state governments to call out the Defence Force in circumstances of domestic violence when the police require assistance. Government spokesmen cited the need to deal with potential terrorist incidents during the Sydney Olympic Games. A 1979 review of anti-terrorism practices concluded that troops did not have the policing powers to arrest suspects or to storm buildings. The Act authorizes troops, under the authority of a state or federal Minister, to use "reasonable and necessary" force against persons and things to recapture premises, rescue hostages, apprehend suspects, and search persons and premises for "dangerous things."

Although the Act had the support of both the Government and the opposition Labor Party, it was one of the most contentious pieces of legislation to be passed in recent years. Government and opposition spokesmen insisted that the Act gave the federal government no new powers and in fact, by spelling out the procedures and circumstances under which troops might be called out to aid the civil authorities, served to restrict the potentially "vast powers" available under the Constitution. Amendments to the bill prohibited the use of troops against strikers and peaceful protesters. Critics noted that the Act would not prevent the government from using the military as "substitute labor" during a strike or from calling out troops to protect property during a strike or public protest. The non-governmental Council on Civil Liberties said it would mount a High Court challenge if the military's new powers were ever used. (Act No. 119 of 2000, at http://scaleplus.law.gov.au; "Army-on-Street Law 'Is Not Shoot To Kill Bill'" *Sydney Morning Herald*, Sept. 9, 2000.)
(D. DeGlopper, 7-9831)

LAW AND ORGANIZATIONS--INTERNATIONAL AND REGIONAL

AUSTRALIA/UNITED NATIONS–Human Rights Treaties

On August 29, 2000, Australia's government announced that it would take "strong measures" to improve the effectiveness of the United Nations human rights treaty bodies. A review of the treaty bodies, which had criticized Australia's treatment of its Aboriginal population and of asylum-claiming boat people, concluded that such bodies needed a "complete overhaul." It declared that the committees and individual members had exceeded their mandates and failed to recognize the primary role of democratically elected governments and the subordinate role of non-governmental organizations. The Cabinet decided that Australia's strategic engagement with the treaty committee system would depend on the extent to which effective reform occurs.

For the present, reporting to and representation at treaty committees will be based on a more economical and selective approach. Australia will agree only to visits by treaty committees and provision of information to such committees or the U.N. Commissioner for Refugees when there is a compelling reason to do so. Australia will reject "unwarranted" requests to delay removal of unsuccessful asylum seekers and will not sign or ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women.

The invocation of treaty obligations and international human rights conventions within Australia, especially with regard to the treatment of Aboriginal Australians, has been a contentious issue since the 1980s. The government's decision was denounced by Aboriginal and human rights activists and by the opposition Labor Party. Attorney General Daryl Williams expressed the opinion that Australia was being singled out for criticism over minor problems, while the U.N.

committees ignored gross violations of human rights by various dictatorial regimes. The head of the U.N. treaty section, Mr. Kahona, noted that Australia was one of the better countries on human rights, but that was no reason to "go off and sulk" in response to criticism. An unnamed U.N. high official noted that the timing of Australia's announcement that it would not sign the Protocol on discrimination against women was "unfortunate," coming on the same day that Saudi Arabia announced its signature of the Protocol. (Joint News Release, Minister for Foreign Affairs, Minister for Immigration, Attorney-General, "Improving the Effectiveness of United Nations Committees," Aug. 29, 2000, at http://law.gov.
au/aghome/agnews; "Canberra to Shun UN Committees," *The Australian*, Aug. 30, 2000; "Australia Warned: Grow Up and Stop the Sulking," *Sydney Morning Herald*, Aug. 30, 2000.)
(D. DeGlopper, 7-9831)

CUMULATIVE CONTENTS

NOTE: Many of the subject areas below have been covered in Issues 90.1-99.12 of WLB. For a Cumulative Contents of these issues, please contact the Office of the Law Librarian, 7-5065. For British entries, check England, Great Britain, or United Kingdom, as appropriate.

Aboriginal rights
Taiwan, 2000.07-7a

Administration
Germany, 2000.01-8b, 2000.07-8b
Mongolia, 2000.09-11a
Russia, 2000.07-11b
Taiwan, 2000.09-11a

Adoption
Israel, 2000.07-14b
Russian Fed., 2000.06-12b

Advertising
Mexico, 2000.08-1a

Agriculture
Mexico, 2000.09-3a
Nigeria, 2000.04-1a

Amnesty
Honduras, 2000.08-1a

Anti-trust
Mexico/U.S., 2000.08-13b
United Kingdom, 2000.06-14a

Arbitration
Hong Kong, 2000.07-4a

Assets
China, 2000.09-6b

Asylum
Australia, 2000.06-15a
France, 2000.02-10b
Luxembourg, 2000.08-9a

Banknotes
China, 2000.02-6b
Ukraine, 2000.10-11b

Bankruptcy
Mexico, 2000.09-2b

Banks
China, 2000.05-5a
Mongolia, 2000.02-8a

Bonds
Russia, 2000.02-13a

Broadcasting
Korea, S., 2000.08-7a

Business
Colombia, 2000.09-1b, 2000.10-2b

Capital punishment
China, 2000.10-5b
Turkmenistan, 2000.01-6a

Children
Germany, 2000.07-9a
Guatemala, 2000.04-1b
Italy, 2000.05-10b
Mexico, 2000.09-6a
U.N., 2000.05-14b

Citizenship
Estonia, 2000.05-9b
Korea, S., 2000.05-6b, 2000.06- 7a
Mexico, 2000.09-5b
Taiwan, 2000.05-8a, 2000.07-6a
Uganda,2000.05-3a

Civil law
Kazakhstan, 2000.04-5a

Constitutional courts
Mongolia, 2000.04-6a

Constitutional law
Fiji, 2000.07-16a
Nigeria, 2000.02-1b
Taiwan, 2000.07-6a
Ukraine, 2000.08-9b

Corporation law
China, 2000.01-1a, 2000.10-6b

Corruption
Mexico, 2000.06-2b

Court cases/rulings
China, 2000.07-2a
Colombia (oil), 2000.06-1a
Great Britain, 2000.08-7b
Honduras, 2000.08-1a
Hong Kong, 2000.01-3a, 2000.08-6a
International Court of Justice, 2000.08-12b
Pakistan (coup), 2000.06-7b

Criminal law
Australia, 2000.04-9b
China, 2000.01-1b, 2000.06-4b, 5b
Colombia, 2000.02-3a, 2000.10-1a, 1b
Council of Europe, 2000.06-15b
Hong Kong, 2000.05-5b
The Netherlands, 2000.10-10a
Slovakia, 2000.02-13b

Criminal procedure
China, 2000.10-4b
Colombia, 2000.10-1b
Korea, S., 2000.04-5b
Lithuania, 2000.02-11a

Customs
China, 2000.08-2a

Demonstrations
China, 2000.06-3a

Duty-free zones
Korea, S., 2000.06-7a

Elections
Azerbaijan, 2000.09-13a
Hong Kong, 2000.02-7a
Italy, 2000.07-10a
Russia, 2000.02-11b

Electronic commerce
Australia, 2000.05-13b
China, 2000.07-2b
India, 2000.08-6b
Mexico, 2000.09-3b

Electronic surveillance
Australia, 2000.08-10b
Russia, 2000.04-8b

Environment
Botswana, 2000.02-1a
China, 2000.02-6b, 2000.04-3a, 2000.05-4a, 2000.07-1b
Mexico, 2000.09-4a
Russia, 2000.01-9b
Taiwan, 2000.10-7b

Equal opportunity
Hong Kong, 2000.08-5b

Ethics
China, 2000.02-5a
Japan, 2000.01-4a

Euthanasia
France, 2000.04-7b

Extradition
Hong Kong, 2000.04-4a
Korea, S., 2000.02-8a

Family
Belgium, 2000.01-7a
The Netherlands, 2000.10-10b

Family planning
China, 2000.06-3b

Food labeling
China, 2000.04-2a

Forestry
Ukraine, 2000.07-13a

Gambling
Australia, 2000.08-10a

Health
China (HIV suit), 2000.01-2b
France (contraception pill), 2000.01-7b
Italy, 2000.07-9b, 2000.08- 8a
Mexico, 2000.08-1a, 2000.09-5a
Nigeria, 2000.02-1b
Russia, 2000.09-12a, 12b
Taiwan, 2000.07-6b

Holocaust assets
France, 2000.05-29 (blue)
Russia, 2000.06-13a
United Kingdom, 2000.02-14b, 2000.06-13b

Holocaust denial
Germany, 2000.05-10a
United Kingdom, 2000.05-13a

Holocaust memorial
Germany, 2000.06-9a

Homosexuals
Israel, 2000.07-14b (adoption)
The Netherlands, 2000.10-10b
United Kingdom, 2000.01-10b

Human rights
Colombia, 2000.10-1a
Mexico, 2000.10-3a
The Netherlands, 2000.06-11a
Russian Fed., 2000.06-12a
Ukraine, 2000.10-10b

Identity cards
Greece, 2000.06-10a

Immigration
Czech Republic, 2000.04-7a
Japan, 2000.04-4b
Korea, S., 2000.05-6b
Macao, 2000.05-7b
Mexico, 2000.08-1a
The Netherlands, 2000.02- 11a
Uganda, 2000.05-1a

Impeachment
Mexico, 2000.02-4a

Industrial relations
Australia, 2000.07-14b

Information control
Russian Fed., 2000.07-12b

Information systems
Czech Rep., 2000.09-11b
Korea, S., 2000.01-5a

Information technology
India, 2000.08-6b

Inheritance
France, 2000.02-15a

Insurance
China, 2000.01-2b
Japan, 2000.05-6a

Intellectual/industrial property
Australia, 2000.09-13b
China, 2000.06-4b, 2000.07-3b, 2000.08-2b, 2000.10-4a, 6a
European Patent Office, 2000.06-16a
Germany, 2000.06-9b
Honduras, 2000.06-1a, 1b

International law
Altai Region, 2000.09-14a
Australia/U.N., 2000.10-12a
Cartagena Protocol, 2000.07-17a (biosafety)
China/Japan, 2000.06-15a
China/Iran, 2000.08-11a
China/Russia, 2000.08-11b
China/Turkey, 2000.02-15a
Council of Europe, 2000.06-15b
East Timor/Australia, 2000.06- 16a
European Court of Human Rights/France, 2000.02-15a
European Patent Office, 2000.06-16a
Greece/EU, 2000.06-16b
International Court of Justice (Pakistan/India), 2000.08-12b
International Criminal Court, 2000.09-14a
Italy/EU, 2000.05-14b
Mexico/Central America, 2000.06-17a
Mexico/France, 2000.07-17b
Mexico/Israel, 2000.04-10b
Mexico/U.S., 2000.07-18a, 2000.08-13b
Mongolia/China, 2000.02-15b
Mongolia/S. Korea, 2000.02-15b
Shanghai Five, 2000.08-14a
Taiwan/China, 2000.05-15a
United Kingdom/U.N. (Terrorist Financing Convention), 2000.01-13b
U.N. (Convention Protocol), 2000.01-13a, 2000.08-15a
Venezuela/Brazil, 2000.04-1b
WTO (Georgia), 2000.09-13a

Internet
Australia, 2000.08-10a
China, 2000.02-5b, 2000.08-2b, 2000.10-5a
Council of Europe, 2000.06-15b
Germany, 2000.06-9b

Investment
Indonesia, 2000.09-10a
Nigeria, 2000.02-2a
Taiwan, 2000.02-8b

Judges
China, 2000.02-5a, 2000.09-6b

Judicial system
China, 2000.09-7a
The Netherlands, 2000.07-11a
Russia, 2000.04-9a

Juvenile crime
Australia, 2000.04-9b

Labor
France, 2000.01-8a
Taiwan, 2000.01-5a, 2000.04-6b, 2000.07-7b
Tanzania, 2000.05-1a

Land
Australia, 2000.05-14a
Germany, 2000.10-10a
Romania, 2000.05-11b
Tanzania, 2000.05-1b
Ukraine, 2000.08-9b

Languages
Kyrghizia, 2000.07-5b
Slovakia, 2000.05-12a

Lawmakers
China, 2000.04-2a

Lawyers
China, 2000.09-8a

Legal aid
China, 2000.05-4a. 2000.09-8b

Legal reform plans
Mongolia, 2000.10-6b

Legislative authority
China, 2000.04-3b

Legislatures
China, 2000.09-9a
Germany, 2000.10-9a
Taiwan, 2000.05-8a
Ukraine, 2000.05-12b, 2000.10-11a
United Kingdom, 2000.01-11a, 2000.02-13b
Venezuela, 2000.02-4b

Libel
United Kingdom, 2000.05-13a, 2000.07-13b

Martial law
Australia, 2000.10-11b

Military
Israel, 2000.01-12b
Italy, 2000.06-10b
Russia, 2000.02-12b
Taiwan, 2000.01-5a
United Kingdom, 2000.01-10b

Narcotics
China, 2000.08-3a

Native title
Australia, 2000.05-14a, 2000.06-14b

Natural death
Taiwan, 2000.07-6b

Natural resources
Australia, 2000.06-14b
Botswana, 2000.02-1a
China, 2000.10-5b
Colombia, 2000.06-1a
East Timor/Australia, 2000.06-16a
India, 2000.06-5b
Kazakhstan, 2000.01-4b
Mexico, 2000.10-3a
Nigeria, 2000.02-2a
Ukraine, 2000.01-10a

Ombudsman
Czech Republic, 2000.06-8b

Organ donation,
Russia, 2000.09-12b

Park service

Nigeria, 2000.04-1a

Passports and visas
Cuba, 2000.02-3b
Czech Republic, 2000.04-7a
Latvia, 2000.05-11a
Taiwan, 2000.06-8b

Pensions
Japan, 2000.06-6b

Policing
Australia, 2000.10-11b
United Kingdom, 2000.01-11b

Political advertising
Mexico, 2000.01-1a

Population
Mexico, 2000.08-1b

Presidency
Kazakhstan, 2000.09-10b
Turkmenistan, 2000.01-6a

Prisons
France, 2000.06- 35 (blue)
Russia, 2000.07-12a

Privatization
Belgium, 2000.10-8b
France, 2000.02-9b
Mexico, 2000.02-4b
Mongolia, 2000.02-8a
Nigeria, 2000.02-2b

Procuracy
China, 2000.04-3a, 2000.07-3a

Product quality
China, 2000.08-4a

Production sharing
Ukraine, 2000.01-10a

Public procurement
Czech Rep., 2000.07-8a

Real estate
Botswana, 2000.04-1a
Germany, 2000.10-9b

Religion
France, 2000.02-10a
Greece, 2000.06-10a

Referendum
Israel, 2000.02-27 (blue)
Italy, 2000.07-10a
Ukraine, 2000.05-12b

Refugees
Korea, S., 2000.07-5a
Tanzania, 2000.05-2a

Residency
Lithuania, 2000.05-11b

Right of abode
Hong Kong, 2000.01-3a, 2000.08- 6a

School violence
France, 2000.04-8a

Securities
China, 2000.05-4b
Taiwan, 2000.10-7b

Sex discrimination
Hong Kong, 2000.08-5b

Sexual harassment
Japan, 2000.02-7b

Social security
Tanzania, 2000.05-1a

Taxation
Australia, 2000.07-15b
China, 2000.05-5b, 2000.09-9b
Korea, S., 2000.06-6b
Ukraine, 2000.06-13b, 2000.07-13b

Telecommunications
Botswana, 2000.02-1a
China, 2000.06-5a, 2000.07-3a
The Netherlands, 2000.07- 11a

Terrorism
Great Britain, 2000.08-7b

Tort claims
India (/U.S., Bhopal disaster), 2000.08-6a

Trade
China, 2000.08-4b
Georgia, 2000.09-13a (WTO)
Korea, S., 2000.06-6b
Romania, 2000.06-11b

Travel restrictions
Taiwan, 2000.01-5b, 2000.10-8a

Trust law
China, 2000.08-5a

Veterans
Canada, 2000.07-1a
Japan, 2000.07-4b

Visas
Macao, 2000.09-10b

Weapons
The Netherlands, 2000.02-11b

Wine and tobacco
Italy, 2000.07-9b (tobacco)
Taiwan, 2000.05-9a

Women's rights
Colombia, 2000.09-1a
Italy, 2000.06-10b

****

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**.

****

LAW LIBRARY RESEARCH REPORTS

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)
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)

NEW SERIES: 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 [*Forthcoming*]

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 Arabic 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)
- 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

- Ukraine: The 1998 Parliamentary Election (LST-33)
- 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)

- Legitimation in Vietnam (LLST-2)

THE WORLD TRADE ORGANIZATION: RECENT DEVELOPMENTS

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

DISPUTE SETTLEMENT[1]

Implementation Status of Adopted Reports

An arbitrator's report circulated on August 28, 2000, established that the appropriate countermeasures to be taken by Canada in the dispute with Brazil over Brazilian export financing programs for aircraft[2] amounted to C$344.2 million per year and that Canada may request authorization by the Dispute Settlement Body (DSB) to suspend tariff concessions or other obligations under GATT 1994, the Agreement on Textiles and Clothing, and the Agreement on Import Licensing Procedures.

In a dispute concerning patent protection of pharmaceutical products,[3] an arbitrator appointed at the request of the European Communities on June 9, 2000, determined that the reasonable period of time for Canada to implement the DSB recommendations and rulings is six months, ending on October 7, 2000.

On August 24, 2000, the United States informed the DSB of its intention to implement the recommendations issued by that body in the dispute with the EC concerning section 110(5) of the US Copyright Act and proposed 15 months as a reasonable period of time for such implementation.

Appellate Body Reports Issued

The Appellate Body upheld all of the findings and conclusions of the panels in the dispute with the EC and Japan concerning the US Anti-Dumping Act of 1916.[4]

Panel Reports Appealed

On September 11, 2000, Korea appealed the panel decision in its disputes with the United States and Australia over measures affecting imports of fresh, chilled, and frozen beef.[5]

---

* Dottore in Giurisprudenza, University of Naples.

1 Http://www.wto.org/wto/dispute/bulletin.htm.

2 *See* WLB WTO Update, WLB00.09, Sept. 2000, at 21.

3 *See* WLB WTO Update, WLB00.06, June 2000, at 28.

4 *See* WLB WTO Update, WLB00.08, Aug. 2000, at 23.

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

Active Panels

On September 11, 2000, the DSB established a panel in the dispute between the United States and Canada over certain measures that treat export restraints as subsidies.[6] Australia, the EC, and India reserved third-party rights.

Pending Consultations

The United States filed a complaint against Mexico on August 17, 2000, concerning Mexican measures affecting telecommunications services, alleging possible inconsistency with Mexico's GATT commitments and obligations.

[6] *Id.* at 22.

RECENT DEVELOPMENTS IN THE EUROPEAN UNION

by Theresa Papademetriou, Senior Legal Specialist, Western Law Division*

"Everything But Arms" (EBA) Initiative[1]

The European Union is the top importer of products from the 48 "least developed countries" as defined by the United Nations and compiled in a list. In 1998, the Community imported goods worth 8,714 million *euro*, far more than the United States (5,586 million *euro*), Japan (942 million) and Canada (244 million) did.

On September 20, 2000, in an unprecedented move that reflects the Community position of assisting the poorest countries to reap the benefits of trade liberalization, the European Commission adopted a proposal that provides full duty-free access to European Union markets for all of the least developed countries. Under the proposal, all goods with the exception of arms would be granted unrestricted duty-free access. The proposal will be implemented immediately after being adopted by the Parliament and the Council. Implementation of the duty-free regime for three products--rice, bananas and sugar--will be carried out in three stages, to be completed within a three-year period. The European Trade Commissioner Pascal Lamy, in welcoming the Commission's initiative, stated that it "will put [these countries] on the road to recovery and development."

European Union Adopts Strict Rules on Public Access to Certain Documents[2]

A Secrecy Code was adopted by the Council on August 23, 2000. The Code, wrapped in complete confidentiality, was prepared by the EU Security Commissioner, Javier Solana, in cooperation with the NATO Secretary General and was agreed upon without giving the European Parliament an opportunity to discuss the proposal.

The Code basically excludes from public review all classified documents that are relevant to "security and defense of the Union or one or more of its member states" or to "military or non-military crisis management." It provides for the establishment of a 5,000-member EU paramilitary police unit and a rapid reaction force to be used to suppress incidents of violence, breaches of the peace, armed conflicts, and massive population movements.

---

* 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?p_action.gettxt=gt&doc=IP/00/1034/0/RAPID&lg=EN.

2 *New European Secrecy Controls Come into Law*, THE GUARDIAN, Aug. 31, 2000, at 13.

New Proposal for a Directive on Minimum Standards on Refugees[3]

The European Commission recently adopted a proposal for a Council Directive that establishes minimum standards related to the procedures followed by the Member States when granting or withdrawing refugee status. This proposal, the first of its kind, aims to establish a common European asylum system. Under the proposal, one basic principle that must be followed is that asylum procedures should be fast, fair, and efficient, so that the person requesting asylum does not undergo long periods of uncertainty. Member States must provide for the possibility of review of the asylum decision by either an administrative or judicial body and also a further appeal by an appellate court. Member States have the discretion to decide whether or not to introduce specific procedures for inadmissible or manifestly unfounded cases. If they decide to do so, they must ensure that the minimum standards imposed by the Directive are followed. There are a number of guarantees provided for in the proposed Directive, such as the right to a personal interview and the right to contact organizations or persons in order to seek legal assistance. The Directive also makes special provision for persons with special needs and for unaccompanied minors. In the latter case, a legal guardian must be appointed by the Member States in order to ensure that the minor is equitably assisted and represented during the examination of his application for asylum.

European Union and Canada Agreed to Take Action on E-Commerce[4]

As a follow-up to a recent summit in Lisbon between the European Union and Canada and in implementation of their earlier agreement to develop a common approach to the growth of e-commerce, the two parties decided to take action in the areas of privacy, security, and consumer protection. The European Commission will examine the existing privacy legislation in Canada within the framework of the Data Protection Directive 95/46. The EU and Canada will cooperate on promoting and implementing the OECD guidelines pertaining to consumer protection in e-commerce. Canada will provide a working document on security for further discussion and review by experts and discussions will be held with representatives of consumers in order to enhance consumer confidence and protection in electronic markets.

---

3 http://europa.eu.int/rapid/cgi/rapcgi.ksh?p_action.gettxt = gt&doc = IP/00/1032/0/RAPID&lg = EN.

4 61 EUFOCUS 7 (Sept. 7, 2000).