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Some highlights of this month's issue:

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Gun Control-Australia, Venezuela
Money Laundering-Russian Federation

Full listing of topics follows

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EDITORIAL NOTE: The items presented in the World Law Bulletin have been selected for their special significance to the U.S. Congress, either as they relate to a particular or general legislative interest, or as they may have a bearing on issues affecting the U. S. and its interaction with other nations. Selections should in no way be interpreted as an indication of support or preference for any legal or political stance.

AMERICAS

MEXICO–Radio and Television Decree

An executive decree was promulgated on October 10, 2002, authorizing the Secretariat of the Treasury and Public Credit to receive payments of taxes from radio and television station concessions. The Decree allows radio and television franchises to pay in air time the tax they owe the State for the concession granted to them of using the airwaves. As payment of the tax, radio broadcasters will grant the government 35 minutes of air time daily, and television broadcasters will grant 18 minutes daily. The broadcasting must take place after 06:00 hours and before 24:00 hours, which is considered “prime-time.”

The Decree amends a previous one dating from 1968 under which broadcasters had to grant the State 12.5 percent of their time to broadcast government activities and issues of interest. Such broadcasting was done very early in the morning. Under the current Decree, the State is granted reduced transmission time but wider audiences. The Federal executive has ordered the democratization of this time by deciding to share its air time with the Congress of the Union, the judicial branch, the Federal Electoral Institute, and state governments. (*Diario Oficial*, Oct. 10, 2002, and Alejandro Angeles, “Cambian Reglas Para Radio y TV,” *El Universal*, Internet version, Oct. 10, 2002, via <http://www.el-universal.com.mx>) (Norma Gutiérrez, 7-4314).

VENEZUELA--Unregistered Guns Banned

On August 20, 2002, President Hugo Chavez Frias signed a Law that forbids the carrying, keeping, or hiding of illegal firearms (those that have not been registered with the Directorate of Armament of the National Armed Forces) in order to safeguard peace, harmony, and security of individuals and institutions, and the physical integrity of persons and their property. It entrusts to the armed forces the power to regulate and control the disarming of individuals with illegal weapons and asks for the collaboration of citizen security organizations and the state and municipal police. The armed forces, through the Directorate of Armament, will be responsible for registration of firearms, munitions, and gun accessories and will issue permits for carrying weapons.

The Law empowers the Ministry of the Interior and Justice to award economic incentives to persons who voluntarily hand over illegal guns. The mass media is encouraged to offer educational campaigns and programs describing the disarmament benefits and procedures. Churches, labor and professional unions, business groups, educational centers, and non-governmental organizations also are asked to promote the campaign to turn in unregistered guns. The Law prohibits the carrying of firearms in public meetings, marches, or strikes; during elections; in public places where alcoholic beverages are consumed; and while individuals are under the influence of alcohol, narcotics, or psychotropic substances. Fines will be imposed on violators of this Law. (*Gaceta Oficial*, Aug. 20, 2002.) [GLIN] (Sandra Sawicki, 7-9819)

ASIA

CHINA–Export Controls

On October 14, 2002, the State Council promulgated the Regulations of the People’s Republic of China (PRC) on Export Control of Dual-Use Biological Agents and Related Equipment and Technologies along with a corresponding Control List. The Regulations enter into effect as of December 1. They are similar to the regulations on missile export control issued in August 2002 (see WLB2002-09). Both provide that higher approval will be required for export of the materials, even those not specified on the control lists; that a licensing and registration system will be practiced; and that the recipient of the goods will not use them for purposes other than the declared end-use or transfer them without the consent of the PRC government. In addition, the new Regulations state that the recipient is not to use the biological agents and related equipment for the purposes of biological weapons.

The Measures on Export Control of Chemicals and Their Related Equipment and Technologies, as well as an Export Control List, were promulgated on October 18, 2002, for entry into force on November 19. The new Measures institute a licensing and registration system for exporters of the controlled materials and

impose the same restrictions on receiving parties as those imposed in the new regulations on dual-use biological agents. The issuance of the Measures coincides with the promulgation on October 18 of several separate measures to control the registration, licensing, and packaging of dangerous chemical agents.

In addition, on October 15, 2002, a Decision was issued to revise the Management Regulations on the Export of Military Products of the PRC. Among other changes, the revised Regulations stipulate that military goods for export must be included on an Export Control List. The revisions will be implemented as of November 15. (*South China Morning Post*, Oct. 18, 2002, via FBIS; Xinhua Carries ‘Text’ of China’s Measures on Export Control of Certain Chemicals, Xinhua, Oct. 19, 2002, via FBIS; Xinhua: China Amends Regulations on Export Control of Military Goods, Xinhua, Oct. 20, 2002, via FBIS.) (W. Zeldin, 7-9832)

CHINA–Foreign Exchange Rules Relaxed

China will allow companies to open foreign exchange accounts with up to 20% of their foreign exchange revenue from the previous year under new rules effective October 15, 2002. This new measure follows another change to the tight control of foreign exchange, which allowed more banks to handle forex matters (see WLB 2002-09).

The new rules will apply to companies with foreign capital and to wholly Chinese owned businesses authorized to conduct international trade, and it includes those that already have foreign exchange accounts. Firms will have to convert the remaining 80% of foreign exchange earnings into Chinese *yuan*. In addition to unifying regulations for foreign and Chinese enterprises, the new provisions for the first time allow small and medium-sized Chinese enterprises to retain part of the foreign exchange; previously only businesses that earned more than \$2 million per annum in export revenue and with forex expenditures of over \$200,000 per annum were allowed to open foreign exchange accounts. However, 100% of foreign exchange returned from certain types of financial transactions, including postal orders and charitable donations, will still have to be converted into *yuan*. The *yuan*’s limited convertibility has been credited with successful maintenance of an exchange rate of about 8.3 to the dollar since the mid-1990s, not having been impacted by the general Asian financial crisis of 1997. (*CND-Global*, Sept. 29, 2002, via <http://www.cnd.org/Global/09/09/29/020929-1.html>) (Constance A. Johnson, 7-9829)

INDONESIA– Anti-Terrorism Law

President Megawati Sukarnoputri issued a new anti-terrorism decree on October 19, 2002, which went into force immediately. The bombing that month of nightclubs in Bali had drawn world-wide attention to Indonesia’s anti-terrorism efforts and the fact that the measures had been delayed in the Parliament; the decree is made retroactive to cover that incident. The two largest Islamic organizations in the country, with a total of about 70 million members, praised the decree, stating that it gave security forces the power needed to curb terrorism.

Its provision include the death penalty for actions like the terrorist bombing, detention of suspects for up to three days based on intelligence reports, and further holding of suspects for up to six months without charges on judicial order. Under the decree, prison sentences for committing or threatening to commit acts of terrorism or damaging public or international facilities are from four years to life or death by firing squad. The decree covers the use of chemical, biological, or radioactive materials in such acts. Sentences may range from three years of imprisonment to death for the stockpiling or use of firearms or explosives. (BBC News, Oct. 21, 2002, via <http://news.bbc.co.uk/1/hi/world/asia-pacific/2345449.stm>; “Indonesia Issues Anti-Terror Decree, AP, Oct. 19, 2002, via <http://news.findlaw.com>.) (Constance A. Johnson, 7-9829)

KOREA, SOUTH–Ban on Human Cloning

Under a bill finalized by the government on September 24, 2002, human cloning will be forbidden. The Life, Ethics, and Safety Measures bill will impose a sentence of ten years in prison for anyone convicted of cloning a person. In addition, human cloning that is part of embryonic stem cell research will be banned, as will the use of a person’s genetic information in decisions affecting their education, employment, or insurance. Exceptions for research will be made only if special permission is given from an ethics committee that will be established under the President. The committee will be divided between doctors and scientists

and religious and civil rights representatives. Studies currently underway will be allowed to continue for a given period. Human embryos that were produced to assist couples with fertility problems and subsequently frozen can be used for research if the purpose is treating sterility or curing a disease.

Scientists in Korea have opposed the bill as it now stands, saying it will inhibit biotechnology research into treatments for diseases such as Parkinson's and diabetes. ("South Korea Bans All Human Cloning," *New Scientist*, via <http://www.newscientist.com/hottopics/cloning/cloning.jsp?id=ns99992847>; "ROK's Yonhap: Gov't to Block Somatic Cloning Next Year," *Yonhap*, Sept. 23, 2002, via FBIS; "S. Korea Bans Human Cloning," *The Washington Times*, Sept. 24, 2002, via <http://asp.washtimes.com>) (Constance A. Johnson, 7-9829)

SINGAPORE–Government Code of Religious Practice

As part of a response to the perceived threat from terrorist organizations in Southeast Asia, Singapore's Prime Minister Goh Chok Tong announced on September 25, 2002, that he would be developing a draft code for the practice of religion. The code is intended to promote harmony and understanding between the followers of the various religions practiced in Singapore. The comments of religious and community leaders would be invited, after which the code could be formalized and sent to Parliament to be adopted. On October 14, he presented his "tentative draft" of a Code on Religious Harmony, which took the form of a pledge in which the citizens of Singapore resolve "to practice our religion in a manner that promotes the cohesion and integration of our society" and "prevents religion from ever being a source of conflict." (*The Straits Times*, Sept. 25, 2002 at <http://straitstimes.asia1.com.sg>; "Opening Remarks by Prime Minister Goh Chok Tong ..." Singapore Government Press Release, Oct. 14, 2002 at <http://app10.internet.gov.sg/sprinter/pr/2002101405.htm>.) (D. DeGlopper, 7-9831)

SINGAPORE–Quarterly Reporting for Listed Companies

As of January 1, 2003, all listed companies on the Singapore Exchange with a market capitalization of at least 20 million Singapore dollars (US\$11.23 million) will be required to furnish quarterly reports. The measure is aimed at improving disclosure in "increasingly volatile" markets, according to the Finance Ministry. Smaller companies have an additional year in which to comply because of the costs entailed. The Council on Corporate Disclosure and Governance stated in a letter to the Finance Minister that the cost "is justified by the demand for greater transparency and accountability" and that while "quarterly reports may not be analysed as diligently as annual reports,...as long as a significant segment of the market values quarterly reports, there is sufficient justification for the process." ("Singapore Demands Quarterly Reporting for Listed Companies," *Agence France Presse*, Oct. 18, 2002, via LEXIS/NEXIS.) (W. Zeldin, 7-9832)

TAIWAN–Draft Amendment Removing Death Penalty for Minors

On October 9, 2002, the Cabinet approved a draft bill that would prohibit courts in Taiwan from delivering a sentence of death or life imprisonment to criminal offenders under the age of 18. Under the current law, minors may receive such punishments if convicted of killing an immediate family member, but not if they are found guilty of other felonies such as murder of a non-family member or kidnapping. This would constitute a significant change in the Criminal Code, which was implemented almost 60 years ago; in the view of Vice Minister of Justice Hsieh Wen-ting, "the review of the death penalty and other amendments to the code is a step toward the complete abolition of capital punishment in Taiwan." ("Taiwan Cabinet Recommends No Death Penalty for Minors," *Taiwan News*, Oct. 10, 2002, via FBIS.)

The proposed law also provides for a general increase in maximum prison sentences, from the current 15 and 20 years to 20 and 30 years. For repeat offenders, the maximum prison term would double, from 20 years to 40. In addition, the minimum jail term for persons serving life sentences but who are eligible for parole would be increased from 15 years to 30 years (40 for repeat offenders). Under the current law, judges must impose a lighter punishment on criminals who voluntarily surrender to the authorities. The new bill provides that judges "may" take this into consideration, depending on the circumstances, so that there would no longer be a guaranteed lighter sentence for offenders who turn themselves in.

In addition, the draft amendments further define the act of rape and revise a provision pardoning suspects deemed insane and permitting a lighter punishment for the mentally incompetent. (*Id.*) (W. Zeldin, 7-9832)

VIETNAM–Internet Regulations

The Vietnamese Ministry of Culture and Information (MoCI) recently promulgated a new regulation on the management, provision of information, and launching of websites on the Internet as part of a move to tighten control over Internet use in the communist country and prevent the distribution of “unhealthy” information. Highlights of the regulation are:

- All agencies and organizations that wish to provide on-line information or launch websites must obtain a permit from the MoCI. The Ministry is to grant a permit within 30 days of receipt of the application. If permission is denied, the MoCI must provide the applicant a written rationale.

- Internet content providers may only distribute information for which they have been licensed and will have to provide detailed contact information. There are specific stipulations on providers’ obligations regarding information content, technical infrastructure facilities, and Internet domain addresses.

- Release of information on the Internet that may incite opposition to the government of the Socialist Republic of Vietnam, cause hostility between ethnic groups, reveal State secrets or any other secrets regulated by law, or contain violent, pornographic, or discriminatory content is prohibited.

- Foreign media, representative offices of international, inter-governmental, and non-governmental organizations, and diplomatic corps must obtain approval from the Foreign Ministry before seeking permission from the MoCI to provide information to the Internet.

(“Vietnam Tightens Control Over Internet Operations,” *BBC Monitoring International Reports*, Oct. 18, 2002, via LEXIS/NEXIS; “Websites in Vietnam Must Obtain Licenses from Communist Government,” *Deutsche Presse-Agentur*, Oct. 15, 2002, *id.*) (W. Zeldin, 7-9832)

EUROPE

BELGIUM--Voting by Belgians Residing Abroad

The Law of March 7, 2002, on the Vote by Belgians Residing Abroad repealed the existing law on the subject for parliamentary elections and introduced an entirely new system (*Moniteur Belge*, May 8, 2002, at 19146). Provisions of the Law are inserted in the Electoral Code under Title IV *bis*, articles 180 through 180 *septies*. Voting in Belgium is compulsory, and thus Belgians abroad who are registered with Belgian embassies and career consulates must vote in parliamentary elections. Electors must fill in a form indicating the community in Belgium where they intend to vote and the voting method they wish to use. They can vote in the selected community in Belgium in person or by proxy, at the embassy or career consulate in person or by proxy, or by correspondence in the selected community in Belgium. Vote by proxy requires the elector to empower another elector in the same community or at the same embassy or career consulate to vote in his or her place. A vote by correspondence is sent to the embassy or career consulate for transmission to the selected home electoral district. The voting proceeds in accordance with time limits set in the Law, so that the ballots arrive at the proper electoral office before election day. (George E. Glos, 7-9849)

ESTONIA--Amendments to Passport Legislation

According to amendments to the Estonian Citizenship Law, which entered into force on October 22, 2002, people who were not eligible for citizenship but were granted it and given passports due to mistakes made by government officials when the documents began to be issued in 1992 are allowed to keep them.

Those who received passports in good faith will be considered citizens from the moment they received their first passport, unless they knowingly submitted false or counterfeit information about their origin.

The stated purpose of this amendment is to correct the mistakes made by the State and give citizenship to those who in good faith have regarded themselves as Estonian citizens. After Estonia declared its independence from the Soviet Union, at least 1,500 people were granted citizenship and received passports whose validity the Citizenship and Migration Board has contested. (BNS *Baltic News Service*, Oct. 22, 2002.) (Peter Roudik, 7-9861)

GERMANY--Parliamentary Committees

After several decades of discussion, an Act on Investigative Committees of the Federal Diet was enacted on June 19, 2001 (*Bundesgesetzblatt I* at 1142). The new statutory rules adhere to the basic principles for investigative committees that are provided in Article 44 of the Constitution (“Grundgesetz für die Bundesrepublik Deutschland,” May 23, 1949, *Bundesgesetzblatt* at 1). The new Act provides strong minority rights. The Federal Diet (the representative chamber of the bicameral federal legislature) must establish an investigative committee upon request of one quarter of its members; although the appointed committee members must reflect the strength of the party representation in the Federal Diet, each party must be allowed to appoint at least one committee member; and a minority of one quarter of the members of the investigative committee has the right to present evidence.

The rights and obligations of witnesses are also described in some detail. Witnesses have the same rights to refuse testimony as those that are provided in criminal proceedings, including the right to avoid self-incrimination. The sanction for an unjustified refusal to testify may be imprisonment or a fine, but imprisonment may not exceed a period of six months and must be terminated when the investigations are completed.

The Act on Investigative Committees has already been interpreted by the Federal Constitutional Court in a decision of April 8, 2002 (2 BvE 2/01). The case dealt with minority requests for the hearing of evidence in the investigative committee dealing with the alleged campaign finance violations of former Federal Chancellor Helmut Kohl. The Court held that minority requests for the hearing of evidence must be granted, unless the request is abusive or not pertinent. (Edith Palmer, 7-9860)

LITHUANIA--Euro To Become Legal Tender

Amendments to the Law on Foreign Currency and Money adopted by the Lithuanian *Seimas* (parliament) on October 16, 2002, eliminate the provision that the only legal tender in Lithuania is the national currency, the *litas*, and allow the European currency, the *euro*, to be used for both cash and non-cash settlements, upon mutual agreement of the parties. New legislation permits payment and settlements in other foreign currencies in Lithuania in situations of non-cash payment. That extends the previous practice of using foreign currencies only outside of Lithuania and in free economic zones among the companies operating in those zones. It is expected that the possibility of avoiding currency exchange procedures will benefit national businesses. (BNS *Daily News*, Oct. 22, 2002.) (Peter Roudik, 7-9861)

RUSSIAN FEDERATION--Government Control over Brain Surgery

The Ministry of Health Protection of the Russian Federation ordered a cessation of controversial brain operations pioneered at the St. Petersburg Institute of Human Brain as a cure for drug addiction, after a patient complained of damaging side effects and won a court case against the Institute. More than 300 people were treated with the operation, which consisted of a removal of a part of the brain associated with addiction. The patient claimed that he had suffered headaches as a result of the operation, which also failed to cure him of his addiction. The court awarded him the cost of the surgery, about \$10,000. It was the first time that Russian authorities halted the use of a procedure on the grounds that it was experimental and had not been licensed by the Ministry of Health Protection. The Institute has appealed against the decision. (*The Guardian*, Sept. 29, 2002, via <http://www.securities.com>)

(Peter Roudik, 7-9861)

RUSSIAN FEDERATION–New Restrictions on Money Laundering

The law on money laundering has been amended to extend the list of organizations that can suspend operations for two days if they are suspicious about incoming money. Now this list, in addition to banks, securities market participants, and insurance firms, which were obliged to do so originally, includes firms that buy and trade precious metals and gems or goods containing them, investment funds, casinos, private pension funds, lottery firms, and bookmakers. These organizations must inform the Finance Monitoring Committee, a federal agency established to fight money laundering, of their suspicions on the day operations are suspended. The Committee can extend the moratorium on financial activities for up to five days.

Under the new amendments, a bank can refuse to open an account or can stop a deal if it suspects that funds from the account will be used to launder money or finance terrorism. The Finance Monitoring Committee will now control operations if one of the participants is registered in a territory that does not cooperate with the Financial Action Task Force (FATF) or if there is information that one of the participants is a member of an extremist organization. Following the adoption of the amendments, the FATF removed Russia from the list of states that fail to fight money laundering. (*Reuters*, Sept. 27, 2002.) (Peter Roudik, 7-9861)

UKRAINE–Court and Rada Actions Closing in on Presidential Corruption Charges

The Constitutional Court in Kyiv has confirmed the legality of a bill “On Making Changes and Amendments in the Constitution” of February 23, 2001. The bill, proposed by the *Verkhovna Rada* (parliament), allows a two-thirds majority of the *Rada* to impeach and remove the president for various crimes, such as breaking his oath or committing State treason. Charges brought against the president in such a procedure would need to be reviewed by the Constitutional Court and the Supreme Court. Another bill, also confirmed by the Constitutional Court, would provide for the president’s duties to be taken over by the chairman of the Rada in the event of the former’s dismissal from office. (*Ukrainian Observer*, Oct. 18, 2002, <http://www.ukraine-observer.com>)

At the same time, Appellate Court judge Yuri Vasylenko ordered the prosecutor general to begin a criminal investigation into the alleged violation by President Kuchma of 11 articles of the Criminal Code, including the suspected illegal sale of military technology to Iraq and the ordering of the murder of dissident journalist Heorhiy Gongadze. Pro-presidential officials countercharge that Ukraine’s Constitution protects a sitting president from prosecution, but a Supreme Court spokeswoman has stated that “[i]f the Supreme Court receives the [relevant] document, it will consider it according to procedural rules and make an appropriate decision.” These official actions took place against the background of nationwide street protests, including a recent one by anti-presidential people’s deputies that drew large crowds in Kyiv. (*Kyiv Post* online, visited Oct. 18, 2002, at <http://www.kpnews.com/main/12043>, citing AP.) (Natalie Gawdiak-7-9838)

UNITED KINGDOM--Nazi Victims and Difficulties in Establishing Persecution

In March 1999, the British government launched a non-statutory scheme to compensate victims of Nazi persecution and their heirs for property confiscated during the Second World War under the “trading with the enemy” legislation. To obtain compensation, the individual must, on the balance of probabilities, have had assets confiscated and suffered Nazi persecution. The scheme established an Enemy Property Claims Assessment Panel (EPCAP) to act under the auspices of the Department of Trade and Industry. EPCAP states that as of January 2002, it had assessed 1,078 claims and paid out over £7 million to 400 of those claims. Despite these numbers apparently depicting the success of the system, there has been recent controversy over its application.

The EPCAP emphasized that the claims would be dealt with in a sympathetic manner, “robustly and dispassionately but with sensitivity.” However, the mounting number of families of Nazi victims dissatisfied with the decisions of the EPCAP appears to indicate that its procedures are extremely difficult to follow in a sympathetic manner. Some individuals have been denied compensation because of technicalities, such as

not being a majority shareholder of a business that had been appropriated by the Nazis at the time of its seizure or because they had not suffered an adequate level of persecution. Under the EPCAP scheme, the definition of “Nazi persecution” is that an individual must have “suffered persecution, either through discriminatory legislation or action in pursuance of de facto state policy taken by the relevant enemy state.” For example, an individual who had been profoundly affected by repeated arrests, torture, and death threats by the Nazis was found to have been intimidated rather than persecuted and therefore ineligible for compensation. (Lord Archer, *Enemy Property, Independent Third Party Consultation*, July 1998; *Enemy Property, Government Response to Lord Archer’s Recommendations*, see <http://www.enemyproperty.gov.uk/govresp.pdf>; Stephen Naysmith, “Government Tells Nazi Victims They Didn’t Suffer,” *Sunday Herald*, Oct. 13, 2002; James Palmer, “British Government’s Enemy Property Reneges on its Commitment to Justly Compensate Victims of Nazi Persecution,” <http://www.pressbox.co.uk/Detailed/7344.html>. For a Law Library Report on this topic, see “Restitution of Holocaust-Era Assets,” LL1999-2268.) (Clare Feikert, 7-5262)

UNITED KINGDOM--New Commission Criticizes Judicial Appointment System

The Judicial Appointments Commission, established to maintain the principle of “selection upon merit” in the judiciary and for Queen’s Council (QC, also referred to as “Silk,” which is a stamp of quality for lawyers in the UK), as well as to investigate complaints relating to appointments, recently released its first annual report. The report brought an area that has traditionally been seen as “secretive, elitist and self-serving” further into the public’s attention. While stating that progress has been made within the current appointment system, it highlighted several flaws, particularly within the QC system, such as a lack of transparency, diversity, and an undue delay in notifying applicants of decisions. The Commission also found a lack of a clear audit trail of decisions throughout the QC appointment process, which risks “undermining confidence in the appointments system” as it fails to show that each applicant has been fairly and equally treated.

Several issues raised by the Commission, such as the role of a government minister in the appointments process, were not fully addressed in the report, which stated further research and evidence was required before a comment could be made. Concerns over the lack of diversity within the judiciary and QC’s and how to maintain, or balance, the principle of selection upon merit and achieve diversity were expressed; however, the report did not definitively comment on this particularly sensitive area due to the lack of evidence. This has given the Lord Chancellor a small respite to continue to reconsider the current system. (*The Commission for Judicial Appointments, Annual Report 2002*; Robert Verkaik, “Analysis: Secretive, Elitist, Self-serving: Why Britain’s Legal System Needs Radical Reform,” <http://news.independent.co.uk/uk/legal/story.jsp?story=340503>; Victoria MacCallum, “‘Significant’ Flaws in Appointment System,” <http://www.lawgazette.co.uk/articles/1.asp>) (Clare Feikert, 7-5262)

NEAR EAST

ARMENIA--Banking Legislation Amended

The Parliament of Armenia passed amendments to the laws on the Central Bank, on Banks and Banking Activity, and on Credit Organizations. The amendments are connected with the struggle against financing terrorism and will prevent the use of money obtained through criminal acts. According to amendments, the Central Bank is authorized to withdraw from circulation suspicious money that may have been deposited for the financing of terrorism. The Central Bank can require financial institutions to report on the sources of their money and to freeze it if no such reports are received. The list of companies that may be involved in terrorist activity was published by Armenia’s Central Bank and given to all commercial banks and credit organizations of Armenia.

The adopted measures introduce some restrictions related to cash circulation and are aimed at the implementation of government intentions to reduce cash turnover, to make cash circulation more transparent, and to regulate it. State organizations and agriculture are not covered by the newly adopted legislation. Under new provisions, the cash reserves permitted for Armenian companies will be gradually

reduced from US\$8,500 in 2003 to \$3,500 in 2005, and companies will be allowed to spend only US\$35,000 in cash to buy goods and equipment in 2005. (Arminfo [Armenian News Service], Oct. 23, 2002.) (Peter Roudik, 7-9861)

SOUTH PACIFIC

AUSTRALIA--Action on Counter-Terrorism Bills

On October 15, 2002, Australia's Senate passed the Criminal Code Amendment (Espionage and Related Matters) Bill 2002, which will become law with the approval of the Governor-General. The law increases the maximum penalty for espionage from 7 to 25 years' imprisonment and affords the same protection to foreign-sourced information as to Australian information. The Attorney-General noted that information-exchange partners (which refers primarily to the United States) "can be reassured that any information provided to us in confidence will be fully protected."

The espionage bill was one of a package of six bills intended to strengthen Australia's counter-terrorism capabilities which were introduced in Parliament in March 2002. Another bill, the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002, was referred to a Senate Committee for further consideration and a report to be made early in December 2002. That bill, the most controversial of the six, would permit Australia's internal security intelligence agency to detain citizens, in secret, for up to seven days and without access to legal representation for the first 48 hours. Although the Government had amended the detention clauses of the original bill, the coalition of opposition parties that controls the Senate expressed continuing concern that it threatened basic civil liberties. ("Protecting Australian Security and Defence Interests," Attorney-General's Office, Media Release, Oct. 16, 2002, at <http://www.attorneygeneral.gov.au/>; *The Australian*, Oct. 18, 2002, at <http://www.theaustralian.news.com.au>) (D. DeGlopper, 7-9831)

AUSTRALIA--Call for New Laws on Handguns

In response to an October 21, 2002, shooting at a Melbourne University that left two dead and five wounded, Australia's Prime Minister Howard has indicated support for strengthening laws on handguns. He said he would discuss the issue with heads of states and territories, which have legal responsibility for gun control, at their meeting on October 24. Handgun control will also be discussed in an early November meeting of state and territory police ministers. Published opinions of various state government heads and police commissioners differ on whether further legislation or stronger enforcement of existing laws on trafficking in unregistered handguns should be the priority. The federal Minister of Justice noted that the Customs Service has already stepped up screening at seaports and airports to combat the smuggling of handguns and that the first task of the new Australian Crime Commission, which will replace three existing national criminal investigation bodies in 2003, will be dealing with trafficking in illegal handguns. ("PM Asks States To Strengthen Gun Laws after Monash Shooting," *Australian Broadcasting Service*, Oct. 22, 2002, at <http://www.abc.net.au/>; "Gun Laws under Scrutiny," *NewsCom.Au*, Oct. 22, 2002, at <http://www.news.com.au/>) (D. DeGlopper, 7-9831)

INTERNATIONAL LAW & ORGANIZATIONS

CHINA/UNITED STATES–MOU on E-Language Cooperation

On October 21, 2002, China and the United States signed a Memorandum of Understanding on cooperation in electronic means of learning languages. It is designed to provide high school students with language education resources from each country. The MOU was signed by the Chinese Vice Minister of Education, Zhou Ji, and the US Secretary of Education, Roderick Paige, in Washington and establishes one of the most substantial cooperative education projects ever undertaken by the two countries. The Internet and multi-media technology will be employed to set up Chinese language programs in American primary and high schools, where there is a growing interest in learning the language. (*China News Digest*, Oct. 21, 2002, via <http://www.cnd.org/Global/02/10/22/021022-93.html>) (Constance A. Johnson, 7-9829)

MEXICO/JAPAN–Free Trade Negotiations

Mexico and Japan will initiate negotiations for a bilateral free trade agreement when the leaders of the two countries meet on October 27, 2002. According to Luis Derbez, Mexico's economy minister, the FTA will be similar to the North American Free Trade Agreement between the United States, Mexico, and Canada. Japan seems to be aiming to sign the agreement by the fall of 2003. It is expected that Japan will focus the FTA negotiations on the opening up of its agricultural market. ("Mexico: Japan To Launch FTA Talks on Oct. 27," Tokyo *Jiji Press* in English, Oct. 9, 2002, via FBIS.). (Norma Gutiérrez, 7-4314).

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Terrorism: Foreign Legal Responses

Cybercrime and Terrorism

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(<http://travel.state.gov/abduct.html>)

Corporate Governance and Accounting Standards

Cloning

Public Health Emergency Legislation in Other Nations

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Japan: Overview of the Banking System, by Sayuri Umeda, Oct. 2002. LL-FLB2002.07.

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Russian Federation: Religious Issues in Newly Adopted Legislation, by Peter Roudik, Oct. 2002. LL-FLB2002.04

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Compensation For Victims of Terrorist Actions: Israel as a Case Study, by Ruth Levush, May 2002. LL-FLB2002.01

The Netherlands: Same Sex Couples--Registered Partnership, Marriage and Adoption, by Karel Wennink, Oct. 2001. LL-FLB2001.04

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Japan: Recent Legal Developments in Health Care, by Sayuri Umeda, July 2001. LL-FLB 2001.02

Capital Punishment in Foreign and International Law, by Constance Johnson, June 2001. LL-FLB 2001.01

Recent Publications from Great Britain Obtainable from the Law Library

House of Commons. *BUYING TIME FOR FORESTS: TIMBER TRADE AND PUBLIC PROCUREMENT*. HC 792. London: The Stationery Office, July 2002. 26 pp.

This report details the Government's responsibility to lead by example in environmentally sound timber procurement practices, and states that the Government has the potential to change the nature of timber markets through the procurement decisions it makes. According to the report, public sector demand for sustainable timber would stimulate additional supply in the long term; where requirements cannot be met from legal and sustainable sources, the Government should be able to demonstrate that it has considered alternatives to virgin timber. It says that recycling and reuse of timber, or use of alternative species or domestic supplies, could be valuable in the drive to halt destruction of forests and endangered species. The report details multi-term objectives, including the setting of timber procurement policies that will remain in the forefront, even as other priorities emerge; provides definitive guidance to procurement officials on the application of public procurement rules; proposes constant and multi-level engagement between the Department of Environment, Food and Rural Affairs; and encourages public procurement policies that support green procurement

----- E-REVENUE. HC 707. London: The Stationery Office, July 2002. 26 pp.

The Government is committed to making the United Kingdom the best place for doing e-business and has set a target date of 2005 for all its services to be available electronically. The Inland Revenue is at the forefront of the development of e-services in the public sector and aims to open the opportunity for taxpayers to communicate and resolve their tax affairs in this manner. The report discusses at length how innovation in introducing e-services involves identifying and taking managed risks. Mindful that systems that do not work well initially or that are insecure lessen public confidence, which takes time to rebuild, the report suggests that the Inland Revenue needs to pilot and test new systems in a systematic manner to minimize the problems experienced in Internet service. This will enable the Inland Revenue to identify the relative costs and benefits of options for delivery of services, see how benefits can best be delivered, identify and manage risks, and monitor delivery of benefits and savings.

----- MINISTERIAL ACCOUNTABILITY AND PARLIAMENTARY QUESTIONS. HC 1086. London: The Stationery Office, July 2002. 99 pp.

Parliamentary questions provide one of several means by which Parliament holds the Executive to account. This report notes that the House of Commons has recently taken additional steps to increase ministerial accountability by also introducing debates in Westminster Hall, with a Minister replying. This has increased the opportunity for Members to raise issues and for Select Committee reports to be debated. The Prime Minister's twice-yearly appearance before the Liaison Committee is another significant addition to Parliamentary scrutiny, the report notes; however, parliamentary questions remain the most important instrument of sustained accountability available to individual Members. Questions take two forms, namely "ordinary" and "named day ordinary." The report recommends that ordinary questions be answered within a week of the proposal of the question appearing on the Order Paper and that named day questions be answered as the name describes. If a Minister declines to provide information in answer to a question or refuses to take a particular action, under normal circumstances the question cannot be asked again for the next three months. Reasons commonly given for such refusals include denial of Ministerial responsibility, security, commercial confidentiality, and the need to protect the privacy of individuals and the confidentiality of law enforcement investigations. The report further

details conclusions in the areas of guidance for officials in drafting answers to questions, the continuing dissatisfaction of Members, the influence of commercial confidentiality, and the quality of responses.

----- REDUCING PRISONER REOFFENDING. HC 619. London.:The Stationery Office, July 2002. 49 pp.

According to this report, there are over 70,000 offenders incarcerated in England and Wales. With the exception of Portugal, this is the highest rate in the European Union. Of those currently incarcerated, 58 percent are repeat offenders, having been reconvicted within two years of being released. The cost to house offenders in prison is approximately £34,000 per year. The report finds that underlying factors for reoffending include drug use; lack of basic education, literacy, and numeric skills; joblessness; and familial disintegration. It states that the Prison Service seeks to reduce the recidivist rate by providing programs that aid prisoners to address their offending behaviors. These programs are generally not provided for short-term prisoners, for whom each sentence increases the risk of further offending. The report recommends placing offenders in prisons near their homes to reduce reoffending due to family disintegration, and providing education and job training for long and short-term prisoners as well as the recently released.

----- TALL BUILDINGS. HC 482. London: The Stationery Office, July 2002. 17 pp.

This report finds that tall buildings in London contribute very little to the urban renaissance and refutes the proposition that such buildings are necessary to prevent suburban sprawl. According to the report, tall buildings do not achieve higher densities than mid- or low-rise developments and in many cases are a less efficient use of space than alternatives. While these buildings have been found to be energy efficient, are easily part of mixed use schemes, and encourage the use of public transportation, they are often the antithesis of aesthetic and efficient development. The report concludes with the finding that tall buildings do not bring the benefits of power and prestige that their supporters claim, citing the lack of evidence that any company or corporation, large or small, left or refused to come to London because of a shortage of tall buildings.

House of Lords. THE CASE FOR A HUMAN RIGHTS COMMISSION: INTERIM REPORT. HL 160. London: The Stationery Office, July 2002. 249 pp.

This interim report examines alternative institutional diagrams for the development of a human rights commission that will focus on researching how the commission could make a difference in the lives of citizens of the UK, especially those who do not presently enjoy full human rights. The report cites the work previously done to embed human rights guarantees in enacting the Human Rights Act and by fostering a human rights culture, and it also discusses the manner in which the commission could be crucial to the development of the UK constitutional and legal systems. The report also details how a commission's roles and functions would relate to those of the existing Joint Commission the responsibilities of acting as a provider of education and training on human rights for all sectors, engaging in litigation, providing representation and information to the courts on human rights issues, and conducting inquiries into situations where there are human rights concerns.

RECENT DEVELOPMENTS IN THE EUROPEAN UNION

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

Status of the Future Enlargement of the EU¹

Accession negotiations with 10 of the 13 applicant countries to the European Union (Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic, and Slovenia) have moved a step closer to conclusion. On October 9, 2002, the Commission, after assessing the state of preparedness of each candidate, recommended that all the negotiations be concluded by the end of 2002 and stated that the applicants will be ready to become full-fledged members as of January 2004. Bulgaria and Romania may follow at a later stage in 2007. With regard to Cyprus, “the Union reiterates its preference for a reunited Cyprus to join the European Union on the basis of a comprehensive settlement, and urges the leaders of the Greek Cypriot and Turkish Cypriot communities to seize the opportunity and reach an agreement before the end of the accession negotiations this year.” As for Turkey, even though there has been some improvement in its state of preparedness, the Commission concluded that Turkey still falls short of meeting the political criteria for EU membership. The recommendations are included in a special report for each country and will be further examined by the European Council, which convened in Brussels on October 24-25.

Compensation to Victims of All Crimes, Including Terrorism²

The Commission recently proposed a Directive which provides that all victims of crime and terrorism must be compensated for any injuries and losses suffered. Member States have the option to establish that the victim must first seek compensation from the offender before turning to the State. Close relatives and dependants of the victim are entitled to receive the compensation if the victim dies. The amount of compensation will be decided by the Member States. EU citizens or residents who become victims of a crime in a third state will have the right to request that the Member State of residence assist them in applying for compensation in the place where the crime was committed.

Commission Announces European Simulation Exercise in the Event of a Terrorist Attack³

Following the events of 9/11 in the United States, the European Commission emphasized the significance of carrying out exercises in the field of nuclear, radiological, biological and chemical sectors to test civil protection capabilities on the ground. The first such European Community Civil Protection simulation exercise (EURATOX 2002) will take place in France on October 27-28, 2002. The exercise will focus on the treatment and evacuation of victims during a simulated terrorist attack at a large sports event and will involve 200 wounded on site and 2,000 victims requiring assistance from other Member States. In addition to French authorities, teams from five other countries – Austria, Greece, Italy, Spain, and Sweden – will be notified through the Monitoring and Information Center of the Commission and expected to provide assistance.

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¹ [Http://europa.eu.int/comm/enlargement/enlargement.htm](http://europa.eu.int/comm/enlargement/enlargement.htm)

² [Http://europa.eu.int](http://europa.eu.int)

³ *Id.*

New Protection Standards for Flight Crew Compartment Doors⁴

The International Civil Aviation Organization (ICAO), in an extra-ordinary ministerial conference held in Montreal on February 19-20 2002, decided on a number of critical aviation security measures. Specifically, the ICAO Council adopted new standards in the form of amendment 27 of Annex 6, concerning the protection of flight crew compartments. Pursuant to ICAO rules, the contracting members must notify the ICAO as to their position regarding the new standards. The first deadline was July 15, for the purpose of expressing disapproval of the adopted document. The second is October 28, 2002, for filing any difference of position. In assessing the document, the European Commission urged the Member States to support the proposed amendment and reminded them that any deviation from the document by a Member State is subject to prior coordination at the EU level.

International Criminal Court, US and Member States⁵

Following the U.S. decision not to accede to the Rome Statute on the International Criminal Court, the Member States agreed to exempt American soldiers and government officials from prosecution for war crimes at the ICC, which is located at the Hague. This agreement was strongly supported by Britain, Italy, and Spain, but France, Germany, Belgium and Sweden opposed the proposal.

Manufacture, Presentation, and Sale of Tobacco Products⁶

A new directive was adopted governing the manufacturing, presentation, and sale of tobacco products. Based on available scientific evidence concerning the dangers of smoking, the new rules establish new standards on maximum tar, nicotine, and carbon monoxide content, on labeling, and on other product information. As of January 1, 2004, the maximum allowed amounts per cigarette are: 10 mg tar, 1 mg nicotine, and 10 mg carbon monoxide. These rules will apply to cigarettes intended for export as of January 1, 2007. Tobacco products must carry a general warning that “Smoking kills/smoking can kill” or “Smoking seriously harms you and others around you.” These statements must cover no less than 30 percent of the package surface. Smokeless tobacco products and other tobacco products for oral use must carry the following warning: “This tobacco product can damage your health and is addictive.” Manufacturers and tobacco product importers must submit a list of the ingredients and quantities used in the manufacturing of products, their function, and other data to the appropriate national authorities. As of September 30, 2003, any brand names, trademarks, or other descriptions, such as “mild” or “light,” that imply that a product is less harmful will be prohibited.

US Container Security Initiative (CSI)⁷

On October 22, 2002, the European Commission and US customs officials had a second meeting over the initiative on containers, which was adopted by US Customs authorities following the events of September 11 in the United States. The Commission shares the US concerns on the

⁴ [Http://europa.eu.int](http://europa.eu.int)

⁵ *Id.*

⁶ [Http://europa.eu.int/rapid/](http://europa.eu.int/rapid/)

⁷ *Id.*

likelihood of containers being used for terrorists attacks carried out either in ports or on vessels during maritime transport. The two sides agreed on major points, such as common standards for the selection and performance of controls and reciprocity issues. There are still a few unresolved issues, including the 24-hour rule suggested by US authorities. This refers to the requirement that carriers must notify the US customs with cargo information 24 hours before the cargo is loaded aboard a ship that is bound for a US port.

Parliament Approves Pharmaceutical Legislation⁸

The European Parliament recently decided affirmatively on the first reading of a draft Regulation and two directives submitted by the Commission that aim to substantially reform pharmaceutical legislation by speeding up the authorization procedure, thereby increasing the availability of new medicines while supporting competition with generic drugs. The proposals have yet to be endorsed by the Council and are subject to a second reading by the Parliament.

Proposal for Establishing the European Union Solidarity Fund⁹

The European Commission recently came up with a proposal to establish a European Union Solidarity Fund to assist the Community to respond to emergency situations in Member States and candidate countries resulting from major natural, technological, or environmental disasters. Such assistance, which will be in the form of a grant, is intended to complement the efforts of the affected State and can be used to cover a portion of the public funds used for relief. A disaster qualifies as “major” if it causes damage estimated at over 1 billion *euro* or more than 0.5 percent of the State’s GDP. The beneficiary State must use the grant within two years from the date that the decision issuing the grant was announced.

Ireland Approves Nice Treaty¹⁰

In a referendum held on October 9, 2002, Ireland voted affirmatively on the Nice Treaty, which deals *inter alia* with enlargement issues.

⁸ *Id.*

⁹ COM(2002) 514 final (Brussels, 9/18/2002).

¹⁰ [Http://www.eu2002.dk/news/news_read.asp?iInformationID=23832](http://www.eu2002.dk/news/news_read.asp?iInformationID=23832)