



WORLD LAW BULLETIN

October 2003

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Dr. Rubens Medina and the Law Library of Congress receive international award

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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 United States 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.

AFRICA

MOZAMBIQUE—Legal Protection of Children

The government of Mozambique launched an initiative on September 1, 2003, to better safeguard the rights of children through its laws, with the support of UNICEF, the United Nations Children's Fund. The first phase of the initiative will consist of a review of existing legislation, customary laws, and judicial practice to determine if they are in compliance with the Convention on the Rights of Children and other human rights treaties ratified by Mozambique. The review process will involve interviews with government officials, non-governmental organization representatives, children and their families, and members of the judicial system. The ultimate goal of this process will be to develop a comprehensive Children's Act that will address all aspects of children's lives, including access to education, health care, and other social services and deterrents to neglect, abuse, and exploitation. Two groups are expected to play major roles in the process: the Inter-Ministerial Committee on Law Reform, presided over by the Prime Minister, and the Technical Unit for Law Reform. UNICEF will provide technical and financial assistance. Findings from the review and the first draft of the Children's Act are expected to be announced by the end of the year. ("Legal Reform Launched To Protect Children," *allAfrica.com*, Sept. 2, 2003, via <http://www.allafrica.com/stories/printable/200309020596.html>.)

(Sandra Sawicki, 7-9819)

SOUTH AFRICA—Petroleum Products Law Amendment

On September 9, 2003, the National Assembly passed two bills affecting South Africa's petroleum products and petroleum pipelines. The Petroleum Products Amendment Bill seeks to amend the Petroleum Products Act of 1977 and provides for licensing of persons involved in the manufacture or sale of petroleum products, prohibits certain actions such as operating without a license, repeals obsolete provisions of the Act, and provides for appeals and arbitrations. According to Phumzile Mlambo-Ngcuka, the Minerals and Energy Minister, the bill addresses the issues of "fuel specifications, stock levels, transformation and empowerment, liquid petroleum gas and paraffin and transitional arrangements."

The Petroleum Pipelines Bill seeks to establish a national regulatory framework for pipelines and a Petroleum Pipelines Regulatory Authority. The establishment of this authority is expected to counterbalance the state monopoly over the three pipelines that transport gas, crude oil, and refined products from the coast inland. ("Petroleum Bills Passed in Parliament," <http://www.sabcnews.com>, Sept. 9, 2003.)

(Ruth Levush, 7-9847)

AMERICAS

CUBA—Lifting of Restrictions on Visits by Exiles in United States

Natives of Cuba living in the United States soon will no longer need permission from the government of Fidel Castro to travel to the Communist-ruled island if they hold a Cuban passport. On October 1, 2003, the Cuban Interests Section issued a statement indicating that the change will take effect early next year. Cuban exiles now wishing to visit their homeland must obtain special permission.

(<http://www.washingtonpost.com/wp-dyn/articles/A24942-2003Sep30.html>.)
(Gustavo E. Guerra, 7-7104)

GUATEMALA–Budget Proposal Said To Contravene Peace Accord

The UN Human Rights Verification Mission in Guatemala, created in 1994 and expanded in 1997, has criticized the government's proposed budget as counter to the peace agreements between the Government and the Unidad Revolucionaria Nacional Guatemalteca, which ended three decades of civil war in the country. The proposal also was said to be inconsistent with commitments made by the government in 2002 to donors. The draft budget for 2004 increases military spending while cutting funds for public security and the rule of law. In addition to denouncing this transfer of money from social to military programs, the UN body called for increasing the funding for the health ministry and for the agencies that settle land disputes and defend the rights of indigenous women. ("UN Mission Says Proposed Guatemalan Budget Contravenes Peace Accords," <http://www0.un.org/apps/news/story.asp?NewsID=8383&Cr=guatemala>, Sept. 26, 2003.)
(Constance A. Johnson, 7-9829)

GUATEMALA–Labor Relations Commission Instituted

On September 1, 2003, President Alfonso Portillo signed into law a governmental accord issued by the Ministry of Labor and Social Security on the creation of a Multi-Institutional Labor Commission for Labor Relations in Guatemala. The Commission's role will be to facilitate cooperation on labor relations issues, including information exchange, among the agencies and units of the executive, legislative, and judicial branches of government, as well as decentralized and autonomous entities. The Commission will give priority to addressing international denunciations of violations of labor rights. The Commission will be composed of various subcommittees on specific issues, including one on labor issues connected to exporting activities and the maquiladora sector. Individuals serving on the full Commission and the subcommittees will be among the highest ranking officials in the government.

Guatemala is in the process of negotiating several bilateral and multilateral treaties on free trade that include provisions referring to respect for and compliance with labor law. Such provisions follow the principles and rights recognized by the Conventions of the World Trade Organization ratified by Guatemala, especially the 1998 Declaration on Fundamental Principles and Rights in Labor and their Follow-up. (*Diario de Centro America*, Sept. 1, 2003.)
(Sandra Sawicki, 7-9819)

MEXICO–Rules of Operations for Financial Reinsurance

The Rules of Operations for Financial Reinsurance were issued and entered into force one day after their official publication on April 2, 2003. The concept of financial reinsurance was adopted by Mexico by a Decree modifying numerous provisions in the General Law of Insurance Institutions and Mutual Insurance Companies, officially published on January 16, 2002. The Rules of Operations define financial reinsurance as a contract by which an insurance company transfers significant "insurance risk" or "liabilities assumed under bonds in effect" and agrees to, as part of the transaction, the possibility of obtaining financing from the reinsuring or re-bonding company. The Rules also establish the requirements that insurance institutions must meet in order to offer financial reinsurance transactions. Other matters covered by the Rules are an accounting registry for financial reinsurance operations, financing limits, and

supervision of financial reinsurance operations. (*Diario Oficial*, Apr. 1, 2003.)
(Norma C. Gutiérrez, 7-4314)

ASIA

CHINA—Administrative Licensing Law

On August 27, 2003, the Standing Committee of the National People's Congress adopted the Administrative Licensing Law in eight chapters and 83 articles. The new Law, which enters into effect on July 1, 2004, governs the government's right to grant franchises, permits, or certificates to businesses and individuals. It explicitly states that administrative licensing procedures are to be based on the principles of convenience for the people, efficiency, and quality service.

The Law will restrict the power of government bodies to issue licenses, simplify application procedures, and abolish unnecessary restrictions against applicants, with the aim of removing many of the current bureaucratic obstacles to running businesses. State Council ministries and commissions will no longer be able to empower themselves with franchising rights, and fee collection practices will be discontinued. The Law makes government licensing the last option after other means have failed. For example, licensing is necessary only if related to such matters as national or economic security, exploitation of rare natural resources, or the personal rights and property of other citizens. ("Apparent Full Text of Administrative Licensing Law of PRC," *Xinhua*, Aug. 27, 2003, as translated in FBIS, Sept. 4, 2003; "Xinhua: NPC Adopts Law on Administrative Licenses," *Xinhua* (in English), Aug. 27, 2003, via FBIS.) (Wendy Zeldin, 7-9832)

CHINA—Curbs on Police Actions

A new regulation issued by the Ministry of Public Security will bring stricter control to police actions in the country. Due to become effective January 1, 2004, the new rules are designed to curtail such practices as torture, threats, and deception to get confessions, and offenses in investigatory procedure. The regulation stipulates that the police must respect the dignity of suspects and not interview them for more than 12 hours at a time; however, with special permission that may be extended to 24 hours. Money and goods may be confiscated for only 15 days. In addition, police officers may not issue on-the-spot fines in prostitution cases and are not to enforce administrative detention of those suffering from infectious diseases. Receipts for any fine imposed must be printed and issued by the financial departments of provincial-level or higher governments. Those not given proper receipts will be permitted to refuse to pay fines. (*Xinhua*, Sept. 9, 2003, via FBIS.) (Constance A. Johnson, 7-9829)

HONG KONG—Smart Cards

On September 15, 2003, under the Registration of Persons (Application for New Identity Cards) Order, replacement of their identity cards with "smart cards" began for ordinary Hong Kong residents born in 1968/1969. Persons born in 1966/1967 and in 1964/1965 are scheduled to replace their cards from November 17, 2003, and from January 12, 2004, respectively. Members of the Executive Council or Legislative Council, among others considered to be in a special category, began application in mid-August.

The mandatory cards, which will have an embedded computer chip with personal details such as name, date of birth, and photograph, as well as a digital copy of both thumb prints, are mainly aimed at controlling illegal immigration, particularly from mainland China.

Holders also have the choice of embedding a Hongkong Post one-year-free e-Cert in the cards, which will enable them to engage in various online activities and transactions such as online banking and stock trading, online shopping and betting, secure e-mail communication, and access to electronic government. (“Registration of Persons Ordinance (Application for New Identity Cards) Order,” *Laws of Hong Kong* Ch. 177E, via <http://www.justice.gov.hk/blis.nsf>; “Smart ID Card Replacement Commences in HK,” *Xinhua*, Sept. 15, 2003, via FBIS.)
(Wendy Zeldin, 7-9832)

INDIA—Airport Privatization

Following the passage in August 2003 of a law allowing privatization of airports, India’s Cabinet Decision of September 11, 2003, to sell the country’s two largest international airports, New Delhi and Mumbai, provided a fresh impetus to the Government’s privatization drive. The earnings of these two airports together provide 70 percent of India’s aggregate airport profits, according to the Airports Authority of India (AAI), which owns and operates 122 airports across the country. The Government hopes to follow this initiative with a similar sale of the Calcutta, Bangalore, and Chennai airports.

Under the privatization scheme for the two airports, the Government is offering investors a 74 percent stake, with 26 percent retained by the AAI. Moreover, the new operators are likely to be offered a 30-year lease with the option of a 30-year extension. The KPMG International, a group of consulting firms, is said to be engaged in drafting foreign investor briefings. (*The Financial Times*, Sept. 12, 2003, at 4.)
(Krishan Nehra, 7-7103)

JAPAN—Organization Close to Pyong-yang No Longer Tax Exempt

The General Association of Korean Residents in Japan (Chongryun) has represented residents in Japan who are ethnically Korean and who support North Korea in the absence of diplomatic ties between Japan and North Korea. Until recently, most Chongryun facilities have been either entirely or partially exempt from municipal fixed-asset taxation. The Local Tax Law gives local governments the discretion to allow exemptions under certain conditions. One such basis in the case of Chongryun is its public role as a recognized *de facto* diplomatic body of North Korea. Another condition claimed by Chongryun is that the particular facilities are for general public use.

It is believed Chongryun has sent huge amounts of money to Pyong-yang. In December 1993, then Foreign Minister Tsutomu Hata told a news conference that he had been informed by public security authorities that between 180 billion yen and 200 billion yen (approximately US\$1.65 billion and US\$1.83 billion) were being funneled to North Korea annually via Chongryun, although most experts say that figure has fallen significantly in recent years. It is also believed that Chongryun helped ship missile parts from Japan to North Korea and assisted spying activities in Japan. Public sentiment has called for a crackdown on the flow of goods and funds to North Korea since North Korea’s admission last year that it abducted at least a dozen Japanese nationals in the 1970s and 1980s.

An increasing number of local governments are reconsidering their tax policy in 2003. The municipal government of Tsuchiura, Ibaraki Prefecture, decided to impose the fixed-asset tax on Chongryun after it discovered that the hall owned by the organization is not open to the public. Hitachi, Ibaraki Prefecture, revoked the tax exemption after finding out that the local Chongryun facility has not been used as a public hall. The Tokyo metropolitan government also decided to reverse the exemption status of Chongryun. In mid-July of 2003 it sent a bill to Chongryun for fixed-asset taxes and urban planning taxes estimated at tens of millions of yen. (“City Imposes Real Estate Tax on Chongryun,” *Japan Times*, June 15, 2003; Eric Johnston, “Plugging Fund Pipeline To Pyongyang,” *Japan Times*, July 26, 2003; “Tokyo Moves to Seize Chongryun Facilities,” *Japan Times*, Sept. 10, 2003, <http://www.japantimes.co.jp/>.) (Sayuri Umeda, 7-0075)

MACAO—“Sunshine” Law

Under a newly amended law that entered into force on September 1, 2003, all civil servants in Macao must declare their wealth to the Macao Commission Against Corruption during the period from October 2003 to February 2004. The law requires that ownership of bank accounts and cash with a value above 25,000 *patacas* (US\$3,125) be declared. Spouses of civil servants are permitted to make a separate declaration. Macanese civil servants must report their property holdings every four years. The last declaration period was in 1998, a year before Macao reverted to mainland Chinese rule. (“Macao Civil Servants Obligated To Declare Wealth,” Sept. 1, 2003, via FBIS.) (Wendy Zeldin, 7-9832)

TAIWAN—Draft Immigration Administration Law Designed To Curb Human Smuggling

The Cabinet is reviewing draft rules on the organization of a new immigration administration, to be established under the Ministry of the Interior. The office will be responsible for control of the borders, including immigration inspections, entry permits, and security checks. It is projected to have a staff of 1,640 members, according to rules written by the Ministry. The staff would be drawn primarily from various existing offices, including the Overseas Chinese Affairs Commission, the Population Administration Department, the police, and the Exit and Entry Bureau. (*Central News Agency*, Sept. 14, 2003, via FBIS.)

One key task of the new office will be to combat the smuggling of Chinese women into Taiwan and other forms of trafficking in human beings. The Ministry has already begun interviewing Chinese spouses of Taiwanese, to stop women from entering Taiwan from China using phony marriages as a cover and becoming prostitutes. While in 2000 only 7 percent of illegal immigrants were women smuggled in from China, as of July 2003 the percentage had risen to 73.3. (*Taipei Times*, Sept. 15, 2003, via FBIS.) (Constance A. Johnson, 7-9829)

TAIWAN—New SARS Policies

The Republic of China Center for Disease Control (CDC) announced new policies on September 1, 2003, to prevent a recurrence of Severe Acute Respiratory Syndrome (SARS) in the fall. In an announcement that was issued by the Department of Public Health on August 19, 2003, SARS was ranked with such diseases as cholera and rabies as a category 1 infectious disease (*see* <http://203.65.72.83/ch/dsi/ShowPublication.AS?RecNo=3186> for a description of the announcement; *see*

<http://203.67.83/En/dpc/ShowPublication.ASP?REcNo= 546> for art. 3 of the English text of the Law on Control and Prevention of Infectious Diseases, which lists the four categories of infectious diseases).

The new guidelines clarify quarantine requirements for persons who have had contact with SARS patients. A 72-hour quarantine is only required if such persons are running a fever. Medical personnel must wear surgical masks in caring for patients with fever, but the general populace will no longer be advised to wear masks in public if they have no fever. The CDC's home quarantine rules have been relaxed upon the advice of the World Health Organization, so that persons possibly exposed to SARS are to undertake a 10-day self-health management regimen instead of a 10-day quarantine. A new medical prevention network, with 19 hospitals designated as SARS treatment centers, and a regional command center for communicable diseases responsible for coordinating medical resources have also now been formed in Taiwan. (Cecilia Fanchiang, "Medical Authority Makes New SARS Policies," *Taiwan Journal*, Sept. 12, 2003, at 1.)

(Wendy Zeldin, 7-9832)

EUROPE

BULGARIA–Amendments to Narcotics Control Law

In September 2003, restrictive provisions taking into consideration a presumption of guilt were added to the national Narcotics Control Law of 1999. According to the new amendments, a legal entity licensed for retail or wholesale trade in narcotic substances and precursors will have its business license revoked if the sole trader, manager, or executive director has been indicted or is under an effective sentence for maliciously committing an offense. However, the license will not be revoked on indictment if the holder of a license for a business involving narcotic substances is a manufacturer. In cases where a manager is under an effective sentence, the management body's license will be revoked if it has not taken steps to replace the sentenced manager. The Law also increases the fine for related offenses up to an amount equal to US\$30,000 if a more serious punishment is not prescribed. (*BTA*, Internet version, <http://toolkit.dialog.com>, Sept. 5, 2003.)

(Peter Roudik, 7-9861)

CROATIA–Law on Corporate Crime

Because the existing criminal liability of individuals in legal entities was not a sufficient instrument to prevent white-collar crimes, the Parliament of Croatia passed the Law on Criminal Responsibility of Legal Entities on September 11, 2003. The Law provides for penalizing companies for crimes committed by management with monetary fines ranging from an amount equal to US\$1,000 to US\$1 million. Under the Law, a company can be closed down if an investigation shows that it was established for criminal activities or if its business transactions were used mostly to commit crimes. As the explanatory note to it states, the Law was adopted due to the frequent grave forms of economic crimes which are a consequence of the organized activities of several persons and which, due to technological development, have led to new forms of crime for which companies should be held responsible. (*HINA* [Croatian News Agency], Sept. 10, 2003, via FBIS.)

(Peter Roudik, 7-9861)

GREECE–Ratification of Ottawa Agreement on Banning Land Mines

As previously agreed, the Greek and Turkish Foreign Ministers simultaneously deposited in the United Nations ratifications of the 1997 Ottawa Convention that prohibits the use, storage, production, and distribution of anti-personnel land mines. Greece ratified the Treaty in March 2002, and Turkey ratified it in early 2003. The ratifications will result in the removal of the minefields found in Thrace along the Greek-Turkish border. A large number of civilians, some of them illegal immigrants, have been killed in these minefields. (<http://www.greekembassy.org>.)
(Theresa Papademetriou, 7-9857)

LITHUANIA–New Insurance Law

A new Insurance Law is aimed at safeguarding the interests of insured individuals and at bringing the country's legislation in line with EU requirements. The major novelty is the amount of authorized capital for the insurance company, which will be increased at least four times. The Law provides for increase of authorized capital up to 1 million *euros* (about US\$1.15 million) by July 2005, and for establishment of required minimum guarantee funds by April 2007. The minimum guarantee fund requirement is 2 million *euros* for a general insurance company and 3 million *euros* both for a life insurance company and a company providing credit and guarantee insurance.

The new Law also changed the status of the State Insurance Supervision Authority at the Finance Ministry. It states that supervision of insurance, together with insurance and reinsurance brokerage activities, shall be performed by the Insurance Supervision Commission. The Chairman of the Commission will be appointed for a five-year term by the Prime Minister on the Finance Minister's recommendation. The novelty is the unlimited automatic policy renewal provision that is aimed at the prevention of abuses to customers. (*BNS Baltic Daily News Service*, Sept. 18, 2003.)
(Peter Roudik, 7-9861)

LUXEMBOURG–Amendment of the Constitution and New Electoral Law

On February 18, 2003, the age of eligibility in parliamentary elections was reduced from 21 to 18 (Law on the Revision of Articles 51, ¶(6), and 52, Subsection 3 of the Constitution, Memorial A-29, 2003). The eligibility requirements are now: 1) Luxembourg citizenship, 2) enjoyment of civil and political rights, 3) 18 years of age, and 4) permanent residence in Luxembourg.

The Electoral Law of February 18, 2003 (Memorial A-30,2003), incorporated the reduction of age into article 127 of that legislation.
(George E. Glos, 7-9849)

THE NETHERLANDS–Identification Requirement Extended

In 2002, the Government decided to introduce an identification requirement as part of a large set of measures to strengthen law enforcement. The Minister of Justice has now submitted a bill to the Lower House regulating the extension of the identification requirement. Anyone who is fourteen years of age or older may be required to show proof of his or her identity. It is stressed that the identity checks must be done in the course of the performance of a police officer's or supervisory official's regular duties; there will be no separate identification checks. The Government does not want to introduce a new identity card,

and so in order to meet the identification requirement, the current, recognized documents that prove one's identity will be considered sufficient. Dutch nationals may either use a passport or a Dutch identification card. Aliens may use the documents prescribed in the Dutch Aliens Act 2000, such as the alien's identity card. It will not be possible to prove one's identity with a document that has expired or is invalid for any other reason. A driver's license is now also recognized as a general identification card, except in those situations where information on residency status and nationality will be required in order for a proper investigation to be conducted. The objective of the extended identification requirement is to improve law enforcement. (*Government Press Release*, Sept. 19, 2003, <http://www.regering.nl>.) (Karel Wennink, 7-9864)

THE NETHERLANDS–Night Detention of Juveniles

The Minister of Justice is planning to introduce night detention throughout the country during the pre-trial phase for defendants under 18 years of age. In night detention, juveniles who are fully resident in a closed institution are given the opportunity, subject to stringent conditions and under supervision, to attend school or to go to work during the day. The defendants stay in the institution outside of school and working hours and during the weekend. Having work and receiving education reduce the risk of their slipping further into a criminal career, and experiments that have been conducted in youth custodial institutions in two large cities have been positive. The accused juvenile, in order to be eligible for night detention, must satisfy certain requirements; for example, it must be clear that he or she takes the work or study seriously. The juveniles sign a contract for the detention that lays down requirements for school and work attendance. Non-compliance with the rules leads to a transfer to a regular pre-trial detention facility. (*Government Press Release*, Sept. 2, 2003, <http://www.regering.nl>.) (Karel Wennink, 7-9864)

RUSSIA–Foreigners Allowed To Start Businesses

A supplement to the Law on State Registration of Legal Entities and Individual Entrepreneurs will enter into force on January 1, 2004. As of that date, foreigners and teenagers 14 years of age and older will be allowed to start businesses in the territory of the Russian Federation. According to the amendment, minors will be registered as businessmen without being given the status of legal entities only with the consent of their parents or guardians. Foreign citizens will be able to start a business if they have a residence permit or a document permitting them to stay in Russia. (*Rossiiskaia Gazeta*, Sept. 11, 2003, <http://www.rg.ru>.) (Peter Roudik, 7-9861)

RUSSIA–New Campaign Spending Limits

Newly adopted regulations by the Federal Central Electoral Commission define ceilings for sums that can be transferred to Russian participants in the electoral process. For the parliamentary elections due in December 2003 and the election of the President in March 2004, political blocs and parties are eligible to accumulate up to US\$8.1 million. A ceiling of US\$220,000 has been established for candidates running for Parliament in single mandate districts. These amounts are six times the spending limits allowed during the previous electoral campaign. All money received by the candidates will be accumulated in accounts opened specifically for their election funds in the State-owned Savings Bank. It is expected that this move will lead to better transparency in electoral spending and will simplify government access to candidates' accounts if they fail to repay debts for government-sponsored mass media advertisement. (*RIA Novosti*

[Russian Information Agency], Sept. 4, 2003.)
(Peter Roudik, 7-9861)

UNITED KINGDOM–Cannabis Guidelines Alteration

The Association of Chief Police Officers (ACPO) has recently published guidelines that address how cannabis users will be policed in light of the drug's possible upcoming reclassification. Cannabis is due to be classed among drugs considered to be among the "least harmful," such as anabolic steroids, benzodiazepines, and growth hormones. The reclassification will result in a maximum penalty of 5 years of imprisonment for supplying cannabis and up to 2 years of imprisonment for possession of the drug. However, the Criminal Justice Bill that is currently progressing through Parliament, if passed, would maintain the penalty at the current level of up to 14 years of imprisonment for supplying the drug or for possession with intent to supply. ACPO guidelines state that cannabis users will continue to be arrested in a number of specified circumstances, such as smoking in public or near children. (Home Office, "Home Secretary Backs Police Drugs Strategy," Sept. 12, 2003, available at <http://www.drugs.gov.uk/News/PressReleases/1063357607>.)

(Clare Feikert, 7-5262)

UNITED KINGDOM–Proposed Measures To Protect Children

After a series of tragic cases highlighted flaws in the manner in which children are protected from harm and negligence, the UK Government has introduced a number of proposals to safeguard children further. The main measures proposed are to remove communication barriers amongst those responsible for children; adopt a clear line of accountability; and impose new duties on police and those in other services to protect children. Proposals to ensure continued improvement in services include the creation of the post of an independent Children's Commissioner to "champion children's views." The proposals are put forward in a consultation paper, and legislation is expected to be introduced after the consultation period ends in December 2003. (Department for Education and Skills, "Every Child Matters - Clarke, Boateng and Hodge," Sept. 8, 2003, at <http://www.dfes.gov.uk/everychildmatters/> and http://www.dfes.gov.uk/pns/DisplayPN.cgi?pn_id=2003_0175.)

(Clare Feikert, 7-5262)

NEAR EAST

SYRIA–Money Laundering Decree

On September 9, 2003, President Bashar al-Assad of Syria issued legislative decree No. 59/2003 dealing with money laundering prevention. This decree, which has the force of law, makes any engagement in money laundering operations a crime punishable by up to six years of imprisonment and a fine of one million Syrian pounds (about US\$22,622), in addition to forfeiture of the property involved. (*Al Thawra* newspaper, Sept. 9, 2003.)

(Issam Saliba, 7-9840)

SOUTH PACIFIC

AUSTRALIA–Aboriginal Management of National Parks

Australia's Northern Territory will introduce legislation declaring 14 national parks aboriginal land and offering joint management of an additional 12 parks to traditional owners. The designation of park land as aboriginal territory depends on agreement by the traditional owners to a 99-year leaseback and joint management with the Territory government. The legislation follows an August 2002 High Court decision, *Western Australia v. Ward*, that the Territory's proclamation of parks did not extinguish the native title held by aboriginal people. In Australia most national parks are established and managed by state or territory governments. The new arrangement was intended to avoid protracted litigation over title and to provide economic benefits and employment opportunities to aboriginal communities. The parks will remain open to all visitors, who will not need to obtain special permits or to pay fees to enter them. The Northern Territory Chief Minister, Claire Martin, said that the bill recognized the Territory's objective of maintaining and promoting Aboriginal values. (*Sydney Morning Herald*, Sept. 20, 2003, at <http://www.smh.com.au/>.) (Donald DeGlopper, 7-9831)

AUSTRALIA–Agreement on Water Rights

An August 29, 2003, meeting of Australia's federal (Commonwealth) and state governments reached agreement on a framework for reforming water rights. Most agriculture in Australia depends on irrigation, and it has been recognized for many years that excessive water use threatens to degrade entire river basins and must be stopped. Property rights in water allocations have been a major issue impeding reform of the current unsustainable system. The new agreement, many details of which will be worked out in the next year or two, will define farmers' rights as a proportion of available water, rather than an absolute volume. In the Murray-Darling Basin, which both produces the bulk of the country's grain and cotton and is the most severely threatened, the agreement would set a minimal level of flow, and only water above that level would be available for irrigation. In periods of drought, farmers might receive little or no water, but the plan intends to distribute this burden equitably across the entire river basin.

Water rights would be given additional legal recognition and could be used as security for loans or traded in a new national water market, which would be organized by river basins and operate across state lines and local government boundaries. It was agreed that farmers who would lose guaranteed access to substantial amounts of water would be compensated, but the amount of such compensation and the relative Commonwealth and state responsibility for the costs remain to be determined. (Council of Australian Governments, *Communique*, Aug. 29, 2003, at <http://www.pmc.gov.au/docs/coag290803.cfm>; Commonwealth of Australia, Department of the Environment and Heritage, Inland Waters, Water Policy, *Council of Australian Governments Water Reform Framework*, at <http://ea.gov.au/water/policy/coag.html>.) (Donald DeGlopper, 7-9831)

INTERNATIONAL LAW AND ORGANIZATIONS

CAMBODIA–Membership in WTO

On September 11, 2003, World Trade Organization Ministers (WTO) approved Cambodia's

membership agreement. This places the country in line to become the 147th member of the WTO and the first Least Developed Country to join the organization through the full working party negotiation process. Cambodia must ratify the agreement and inform the WTO; 30 days after notification it will become a member. Cambodia applied to join the WTO in 1994. According to WTO Director-General Supachai Panitchpakdi, “[t]he swift conclusion of Cambodia’s membership negotiation shows that the new guidelines to allow least-developed countries to negotiate membership more easily are working.” (“Ambition Achieved as Ministers Seal Cambodia Membership Deal,” http://www.wto.int/english/news_e/pres03_e/pr354_e.htm)

(Wendy Zeldin, 7-9832)

CARTAGENA PROTOCOL ON BIOSAFETY

The Cartagena Protocol on Biosafety, which was adopted on January 29, 2000, by the Conference of the Parties to the Convention on Biological Diversity, entered into force on September 11, 2003. The Protocol constitutes the first legally binding international document that regulates the transboundary movement of Living Modified Organisms (LMOs). Its chief aim is to contribute to the safe transfer, handling and use of such organisms, which may have a negative impact on the environment and human health. It establishes an advanced, informed agreement procedure to ensure that parties to the protocol are informed through a written notification, in order to enable them to make decisions before consenting to the first import of LMOs. Shipments of LMO goods that are intended for human or animal consumption have to be identified with the statement that they “may contain” LMOs and are “not intended for intentional introduction into the environment.” The Secretary-General of the United Nations remarked that it represents “a landmark for sustainable development, and another milestone in the global effort to reconcile environmental conservation and development.” (<http://www.biodiv.org/biosafety/ratification.asp>.)

(Theresa Papademetriou, 7-9857)

COMMONWEALTH OF INDEPENDENT STATES–Common Economic Area Agreement

The Presidents of Belarus, Kazakhstan, Russia, and Ukraine signed a package of documents setting up the creation of a common economic area among the four countries on September 22, 2003. Ukraine signed the treaty with the reservation that the clauses of the accord should not contradict the Ukrainian Constitution. The agreement specifies stages of economic integration; however, each country is allowed to decide for itself the exact level of integration that it will attain. The first stage of the process will be the creation of a free trade zone without exemptions or restrictions. Some form of a customs union is also included in the first stage. Administrative power in the union will be regulated by a body where votes are distributed according to the economic potential of each country. This body will evolve over time, with the deepening of the integration. The Agreement provides for conforming with WTO norms and regulations. The countries are also bound by the agreement to assist each other in achieving WTO membership. According to the treaty, any country will be able to leave the union after giving notice of its intentions one year in advance and settling any obligations assumed in the course of the integration process with respect to the other countries. The agreement will enter into force after it has been enacted by the relevant authorities of each country, which is expected by the end of 2003. (*ISI Intellinews*, <http://www.securities.com>, Sept. 22, 2003.)

(Peter Roudik, 7-9861)

EUROPEAN UNION–Asylum Applications in the European Union

As of September 1, 2003, asylum applications filed by a third-country national are processed by the national authorities of the Member States of the European Union, including Norway and Iceland, through the electronic network DubliNet. Its establishment was required by the Dublin II Regulation of 2003, which established criteria and mechanisms to determine the Member State responsible for reviewing the asylum applications. The network uses services offered by the Interchange of Data Between Administrations (IDA) to safeguard the data of the asylum seekers. The DubliNet complements another database, Eurodac, which became operational in the beginning of 2003 and which performs a vital role in fingerprinting asylum applicants and anyone else above the age of 14 who enters the EU territory illegally.

(<http://europa.eu.int>.)

(Theresa Papademetriou, 7-9857)

EUROPEAN UNION– Cosmetic Products

In an effort to offer better protection to consumers and to guarantee the quality of cosmetic products, the European Commission recently approved a common symbol to be displayed on all cosmetic products. The symbol depicts an open jar along with an expiration date in either months or years indicating the period that the product is suitable for use after opening. The symbol was approved after consultations with cosmetic manufacturers and the relevant authorities in the Member States, in order to provide to consumers something that is easily identifiable in place of a written explanation. (<http://europa.eu.int>.)

(Theresa Papademetriou, 7-9857)

EUROPEAN UNION–Directive on Additional Training of Professional Drivers

The Directive on the initial qualification and periodic training of drivers of certain road vehicles for transporting goods or passengers entered into force on September 10, 2003. Pursuant to the Directive, Member States may opt to introduce initial qualification either through theory and practice exams with a total length of six hours or through a fixed length of training of approximately 280 hours, followed by a knowledge test. Periodic training is required for 35 hours every 5 years, that is, about a day's training annually. The required training must be completed in one day. Member States may put a Community Code on the driving license or issue a driver qualification card. It is anticipated that harmonized rules on the training of professional drivers across Europe will increase road safety, as well as improve passenger safety and comfort. (<http://europa.eu.int>.)

(Theresa Papademetriou, 7-9857)

EUROPEAN UNION–Eurocontrol

The European Commission proposed that the Council adopt a decision to ratify the Protocol for the EU's accession to Eurocontrol, the European organization for aviation safety. The Protocol deals with the rules covering the participation of the Community and the other Member States in Eurocontrol. Under its provisions, the EU will have exclusive competence on issues related to air traffic management.

(<http://europa.eu.int>.)

(Theresa Papademetriou, 7-9857)

EUROPEAN UNION–Regulation on International Accounting Standards

The European Commission recently adopted a regulation and related interpretations endorsing the International Accounting Standards (IASs). This is an implementing regulation of the accounting standards adopted by the Accounting Regulatory Committee in July 2003. The only exceptions were standards 32 and 39 and related interpretations, which cover the accounting and disclosure of financial instruments standards currently being revised by the International Accounting Standards Board together with European experts in accounting. (<http://europa.eu.int>.)

(Theresa Papademetriou, 7-9857)

EUROPEAN UNION–Update of the List on Terrorist Organizations

On September 12, 2003, the Council of the European Union updated the European Union list of terrorist organizations and persons by adopting two instruments: a) a Common Position updating the initial Common Position issued on September 11, 2001, and updated again on June 27, 2003; and, b) a Decision designed to implement specific restrictive measures against certain persons and entities. The instruments focus on the freezing of funds and other financial assets or economic resources of the persons and entities mentioned on the list and ensuring that funds, economic resources, and financial assets will not be made available to benefit these persons or groups, either directly or indirectly. (<http://europa.eu.int>.)

(Theresa Papademetriou, 7-9857)

EUROPEAN UNION–World Health Organization

In the aftermath of SARS, the European Commission envisages a stronger role for the EU in WHO negotiations on establishing and enforcing international rules to combat infectious diseases and other public health threats. In a communication, the Commission expressed its full support for WHO's proposal on revising the International Health Regulations and the opening of negotiations on the subject in 2004. The Commission also supports other WHO initiatives, such as international cooperation on all major public health events including outbreaks of natural diseases, food safety threats, and releases of chemical or biological agents into the environment. (<http://europa.eu.int>.)

(Theresa Papademetriou, 7-9857)

UNITED NATIONS–Montreal Convention Lifts Liability Limits for Air Accidents

On November 4, 2003, a new treaty will come into force that permits high levels of compensation for victims of international air travel accidents. It will replace the 1929 Warsaw Convention System on compensation, which limits compensation to the equivalent of about US\$8,300 for death or injury to a passenger. Under the Montreal Convention, there will be two tiers to the compensation, with payments of up to about US\$135,000 regardless of a carrier's fault and with no limit on compensation if there is a presumption of fault. In addition, the new system requires carriers to issue advance payments promptly following accidents, to help those victims with immediate economic needs.

The United States ratified the new convention on September 5, 2003. As the 30th International Civil Aviation Organization nation to ratify, the U.S. ratification started the 60-day countdown to the

effective date for the Convention. (“UN News Service,” via email from UNNews@un.org, Sept. 9, 2003.) (Constance A. Johnson, 7-9829)

UNITED NATIONS–Organized Crime Treaty in Effect

On September 29, 2003, the United Nations Convention against Transnational Organized Crime, the first multilateral treaty designed to fight organized crime groups worldwide, entered into force. It requires Member States to cooperate in working on a variety of issues, including money laundering, human trafficking, corruption, and obstruction of justice. The Members will cooperate on extradition, provide mutual legal assistance, and work together in the areas of administrative and regulatory controls, law enforcement, victim protection, and crime prevention. As of September 25, 2003, 48 nations have ratified the Convention. A criminal group is defined in the agreement as three or more people working together to commit one or more serious crimes for material benefit. (“UN Treaty Against Transnational Organized Crime Enters Into Force,” [http://www.un.org/apps/news/story.asp?NewsID= 8389&Cr= organized &Cr1= crime.](http://www.un.org/apps/news/story.asp?NewsID=8389&Cr=organized&Cr1=crime))

(Constance A. Johnson, 7-9829)

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**DR. RUBENS MEDINA AND THE LAW LIBRARY
RECEIVE INTERNATIONAL AWARD**

For his role in the creation and development of the Global Legal Information Network (GLIN), Dr. Rubens Medina, the Law Librarian of Congress, was recognized internationally last week as one of the top 25 highly respected leaders or organizations who have made outstanding e-political and e-governmental achievements that have forever changed the political process. General Donald L. Scott, the Deputy Librarian of Congress, notified Dr. Medina of this honor on Friday, September 26, during a Library of Congress Executive Committee meeting. Dr. Medina accepted on behalf of the Law Library, explaining that the honor should instead go to the Law Library staff, the Library of Congress, the international members of GLIN, and the U.S. Congress who have worked together over the last ten years to make GLIN a reality.

On September 26, 2003, the 4th annual Worldwide Forum on e-Democracy announced Dr. Rubens Medina as one of the “25 Who Are Changing the World of Internet and Politics.” The conference organizers solicited nominations from over 30,000 individuals and organizations around the world searching for the 25 innovators and pioneers who have blazed the e-political trails. Dr. Medina was one of the honorees that included Africa Online; America Online; Al Jazeera (world’s foremost uncensored Arab news service); BBC News; Carl Bildt (one of first leading politicians to use email and Internet); Jim Orr (director of White House Internet operations); George Papandreou (Foreign Minister of Greece); and, Pew Charitable Trusts (Democracy online Project).

The 4th annual Worldwide Forum on e-Democracy was held this year in Issy-les-Moulineaux, France, and serves as a central stage for international discussions on the impact of information and communication technologies on democratic life. This year’s conference was hosted under the patronage of French President Jacques Chirac, and was sponsored by a large group of international corporations such as France Telecom, Sun Microsystems and Microsoft. The selection criteria sought highly respected leaders who have made outstanding e-political and e-governmental achievements; forward thinking organizations that have led the way in this revolution; and innovative ideas or strategies that have forever changed the political process.

Dr. Medina was recognized for being the father of the Global Legal Information Network (GLIN). The conference press release recognizes Dr. Medina as follows:

Medina has created and built the Global Legal Information Network (GLIN) - a visionary electronic cooperative network of national governments that maintains a database of laws, regulations and other complementary legal sources of member nations around the world. The repository is currently at the U.S. Library of Congress. GLIN will provide real-time, transparent access of a member nation's law via the Internet to its citizens as well as other nations and the global public. GLIN is the embodiment of "Democracy Online", and typifies this year's conference theme of freedom in the digital age!

During the Library Executive Committee meeting, Dr. Medina stated “*it is indeed an honor to be recognized, but the honor is truly misplaced. The honor really belongs to the men and women of the Law Library staff whose sacrifice and dedication is the foundation and heart of GLIN, as well as to the 27 Member States and supporting member organizations that are the pioneers of GLIN.*” Dr. Medina also

explained that although GLIN is an international cooperative, the leadership and support of the Library of Congress and funding by the U.S. Congress have also been instrumental in the creation and growth of GLIN, so that ultimately the laws of all nations will be available to anyone with access to the internet.

Dr. Rubens Medina has served as the Librarian of the Law Library of Congress since 1994, and has served in the Library of Congress since 1971. Dr. Medina began his legal studies in Paraguay, his native country, where he became a lawyer and taught at the National University of Paraguay. He came to the United States in 1964 to pursue advanced legal research and study at the University of Wisconsin. In 1966, Dr. Medina received a Master of Science degree in legal institutions from the University of Wisconsin at Madison, and he received a Ph.D. in law and sociology from that University in 1970. In addition to holding teaching positions in Paraguay, he has also taught at the Universidad Catolica de Valparaiso in Chile, the University of Wisconsin Law School, and at the New York University Law School.

More information on the conference, the conference press release, and GLIN can be found at:

<http://www.issy.com/SousRub.cfm?Esp= 1&rub= 15&Srub= 211> : conference information

<http://www.politicsonline.com/> : conference press release

<http://www.loc.gov/law/glin/> : GLIN

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