



WORLD LAW BULLETIN

March 2006

3 W.L.B. 2006

HIGHLIGHTS:

Armed Forces' Support in Event of
Terrorist Attack
Ban on Sale of Human Organs
Calls to Ban Foreign Campaign Donations
Cooperatives Act
Establishment of Special Intellectual
Property Protection Committee
Federal Supreme Court Votes for End of
Nepotism in Judiciary
Legal Group to Coordinate Lawsuits
Related to National Security
New Anti-Terrorism Institution
New Judicial Reforms
Parliament Adopts Electoral Law
Supreme Court Nominees to Face Parliament
Terrorism Court Proposed

[Sweden](#)
[China](#)
[Australia](#)
[South Africa](#)

[Saudi Arabia](#)

[Brazil](#)

[Philippines](#)
[Russian Federation](#)
[Maldives](#)
[Congo \(DRC\)](#)
[Canada](#)
[Indonesia](#)

Linda Forslund
Wendy Zeldin
Donald R. DeGlopper
Ruth Levush

Abdullah F. Ansary

Eduardo Soares

Gustavo E. Guerra
Peter Roudik
Krishan Nehra
Karla Walker
Stephen Clarke
Constance A. Johnson

SPECIAL ATTACHMENT:

[Recent Developments in the European Union](#)

Theresa Papademetriou

[AFRICA](#) | [EAST ASIA & PACIFIC](#) | [EUROPE](#) | [NEAR EAST](#) | [SOUTH ASIA](#) | [WESTERN HEMISPHERE](#)
[INTERNATIONAL LAW & ORGANIZATIONS](#) | [SPECIAL ATTACHMENTS](#)

Message from the Director of Legal Research

The Directorate of Legal Research of the Law Library of Congress is a unique academy of expertise dedicated to providing world-class international, comparative, and foreign law research and reference services to the United States Congress. During fiscal year 2005, our faculty of 20 foreign law specialists and 5 research analysts consulted over 37,000 sources and conducted in excess of 48,000 electronic searches as they prepared 2,039 reports – some 5,900 pages of legal analysis and reference assistance that covered over 160 jurisdictions. *We are proud to serve as an extension of your staff.*

The WORLD LAW BULLETIN is the Directorate's monthly flagship publication that provides the U.S. Congress over 1,000 updates on foreign law developments annually. Updates are chosen for their special significance to the U.S. Congress as they relate to legislative interests or foreign policy and should not be interpreted as an indication of support or preference for any legal or political stance. Selections may contain hyperlinks to websites that are not part of the loc.gov domain provided to cite authority for our source of information and as a convenience for the reader. Some of these online references, however, may be to subscription services not generally available to others, and some of the hyperlinks in the electronic version of the WORLD LAW BULLETIN may not function, depending upon your browser version or the mechanics of the website. The Law Library does not endorse or guarantee the accuracy of those external websites or the material contained therein. Selections are edited by two of our research analysts, Constance Axinn Johnson and Wendy Zeldin. This and past issues are available online at: www.loc.gov/law/congress. This issue may be cited as: 3 W.L.B. 2006.

The Law Library of Congress maintains the world's largest collection of legal materials and provides international, comparative, and foreign law research for the U.S. Congress. We invite you to visit the Law Library website at www.loc.gov/law, which details all of our services and provides access to the Global Legal Information Network (GLIN), a cooperative international database of official texts of laws, regulations, and other complementary legal sources of many foreign jurisdictions.

If you would like to submit a request for our services or if you have any questions concerning the services available at the Law Library of Congress; the Global Legal Information Network; or international, comparative or foreign law, please feel free to contact me by phone at (202) 707-9148, by FAX at (202) 315-3654, or by email at WSharp@loc.gov.

Respectfully submitted,

Walter Gary Sharp, Sr.

WALTER GARY SHARP, SR.
Director of Legal Research



Directorate of Legal Research for
International, Comparative, and Foreign Law

THE LAW LIBRARY OF CONGRESS

AFRICA

ANGOLA – Electronic Government

In a meeting on January 26, 2006, the Angolan Council of Ministers authorized the creation of the government's electronic portal and approved an action plan directed towards the creation of an "information society," with the objective of streamlining electronic management. The Council issued an official announcement at the end of the meeting stating that the action plan constitutes the basis of all Angolan policies in this area and will be used as a reference in the government's strategic planning process.

With the approval of the action plan, the government expects to modernize its activities, bringing efficiency and organization to the public sector. The first priorities of the government are to update all technological equipment, modernize public administration, and improve the qualifications of civil servants. The government also envisions a greater dissemination of information about Executive activities with the implementation of the electronic portal, which will also promote a better flow of information among government sectors and between the Executive and the civil society. (*Governo Aposta nas Novas Tecnologias e Cria Portal*, NOTÍCIAS LUSÓFONAS, Jan. 26, 2006, available at <http://www.noticiaslusofonas.com/view.php?load=arcview&article=13055&catogory=Angola>.) (Eduardo Soares, 7-3525, esoa@loc.gov)

ANGOLA – New Press Law

On February 3, 2006, the Angolan Parliament approved a new Press Law, putting an end to the state monopoly on television broadcasting and changing the legal environment for journalists. The Law replaces legislation that had been in force for the past fifteen years. One of its most important features is that it opens television broadcasting to the private sector, ending the current state monopoly as well as the state monopoly on agency news. The new Law establishes principles of prohibition of censorship, freedom of the press, and access to information sources. It defines the National Council of Social Communication as the competent agency in charge of ensuring the independence, objectivity, and pluralism of information in Angola.

The Minister of Social Communication, Mr. Manuel Rabelias, was quoted as saying that the new Law is broader, more democratic, and more compatible with the country's current political and social environment. However, a member of the opposition party (UNITA), Mr. Alcides Sakala, was critical of the existence of gaps and substantial omissions in the Law.

The new Law eliminates a provision that existed in the previous legislation that had prevented journalists from defending themselves in court when accused of defamation by the President of the Republic. With reference to journalists' liabilities, the new legislation stipulates the application of penal law to situations in which journalists violate the law in the exercise of their profession and favors the application of monetary penalties in lieu of jail time. (*Nova Lei de Imprensa Aprovada com Votos do MPLA e da Oposição*, NOTÍCIAS LUSÓFONAS, Feb. 3, 2006, available at <http://www.noticiaslusofonas.com/view.php?load=arcview&article=13140&catogory=Angola>.) (Eduardo Soares, 7-3525, esoa@loc.gov)



ANGOLA – Office of Justice Provider Instituted

The National Assembly of Angola unanimously approved both the Organic Law and the Justice Provider Statute on February 3, 2006, which will enable the Justice Provider's Office to start operating immediately. The Angolan Constitution, enacted in 1992, provides for the establishment of the Office, but it has never been operational, despite the frequent demands for it from opposition parties and civil society organizations actively engaged in the protection of human rights. Continued delays in approving the two laws had postponed assumption of the office of Justice Provider by former Minister of Justice, Paulo Tjipilica, who was elected to the position on April 19, 2005.

According to article 142 of the Angolan Constitution, the Justice Provider is an agency with the objective of defending the "rights, freedoms, and guarantees of citizens, ensuring by informal means the justice and legality of the public administration." As a result of the enactment of the two laws, Angolan citizens are now able to present to the Justice Provider complaints of acts of commission or omission by public authorities. The agency has no decision power to prevent or repair injustices; it must address its recommendations to the competent agencies. (*Parlamento Aprova Lei Orgânica e Estatuto do Provedor de Justiça*, NOTÍCIAS LUSÓFONAS, Feb. 3, 2006, available at <http://www.noticiaslusofonas.com/view.php?load=arcview&article=13141&catogory=Angola>.) (Eduardo Soares, 7-3525, esoa@loc.gov)

ANGOLA – Uncertainty over Election Date

As Angolans await their first peacetime elections, the chances of the southwest African country's first ballot in more than a decade happening this year are growing increasingly slim. With electoral preparations such as voter registration moving at a slow pace, many observers have started to seriously doubt whether a 2006 poll is achievable. That view was given extra credence by President Jose Eduardo dos Santos when he stated in late January 2006 that the condition of the country's infrastructure should be improved prior to any vote.

The President's comments – his first hint that elections could be postponed beyond 2006 – reportedly prompted a reaction of dismay among opposition parties, political analysts, and ordinary Angolans anxious to see a poll take place as soon as possible. Angola's first-ever ballot was held in 1992; the hope was that the elections would seal a fragile peace after seventeen years of civil war. The ballot was deemed generally free and fair by the international community, but then rebel group UNITA contested the results and fighting resumed. The conflict finally came to an end in April 2002, and groups like UNITA, which has disarmed and is now Angola's main opposition party, see elections as a chance to normalize the political process, allowing development and peace-building projects to move forward. (*Uncertainty Increases over Election Date*, IRINNEWS.ORG, [http://www.irinnews.org/report.asp?ReportID=51752&SelectRegion=Southern Africa&SelectCountry=ANGOLA](http://www.irinnews.org/report.asp?ReportID=51752&SelectRegion=Southern%20Africa&SelectCountry=ANGOLA) (last visited Feb. 16, 2006).)

(Gustavo E. Guerra, 7-7104, ggue@loc.gov)

BOTSWANA – Foreign Labor Rules Remain Controversial

Botswana currently does not issue work permits for foreigners to be employed in domestic service. Recently, some critics have suggested that it is difficult to find local people willing to work as maids and that immigrants from places like Zimbabwe, often in the country illegally, were willing to take the jobs. If foreigners could be issued work permits to take domestic positions, those who wish to



hire them would benefit and there would be fewer illegal immigrants in the job market. Others argued that changing the policy could encourage an influx of foreigners and that some citizens would be undercut by newcomers willing to work in domestic service for lower wages. Commissioner of Labour Claude Mojafi stated that since unemployment is still high, the labor laws would not be changed and that work permits would only be given to foreigners for jobs that required technical skills in particular fields, including farming and construction. (*Botswana Call for Review of Labour Policies*, DAILY NEWS ONLINE, Feb. 1, 2006, http://www.gov.bw/cgi-bin/news.cgi?d=20060201&i=Batswana_call_for_review_of_labour_policies.)

Other restrictions on foreign employment were put into place in last year. In April 2005, a ban was announced on the issuing of licenses for foreigners to drive public service vehicles, though enforcement of the rule lagged. In a November 2005 crackdown, the Department of Road Transport and Safety arrested sixty foreign drivers, largely from Zimbabwe. Also in November, Education Minister Jacob Nkate announced that no more work permits would be issued for foreign teachers and that those already serving would be allowed to finish the terms of their current permits but would not be issued renewals. Mining artisans from other nations will also not be given renewed work permits. These measures are designed to expand employment opportunities for citizens of Botswana. (*Government Hardens Stance on Hiring Foreigners*, ALLAFRICA, INC., Nov. 28, 2005, LEXIS/NEXIS, World Library, Curnws File.)
(Constance A. Johnson, 7-9829, cojo@loc.gov)

BOTSWANA – New Limits on Beer Sales

The Government of Botswana has amended the Liquor Act so that as of April 1, 2006, beer may only be sold for five hours a day, and Sunday sales are totally banned. Bars and bottle shops are to open at 5 p.m. and close at 11 p.m. (which would appear to be a six-hour period for legal sales). Such shops form a significant part of the private sector in Botswana, and critics of the amendment claim that the primary result of the law will be a growth of unlicensed establishments that will pay no taxes.

Botswana's President and Vice-President have backed the new law as a means of combating the spread of HIV/AIDS and other social ills. Further controversy ensued when it became clear that the new restrictions would not apply to the bars serving the National Assembly and the Parliamentary Village. (*Law Enrages Botswana Bar Owners*, BBC NEWS, Feb. 16, 2006, <http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/4720478.stm>; *MPs' Bars Stay Open*, ECHO (Gaborone), Feb. 23, 2006, <http://allafrica.com/stories/printable/200602230339.html>.)
(Donald R. DeGlopper, 7-9831, ddeg@loc.gov)

CHAD – Election May Be Postponed to Save Cash

The Parliament of Chad voted on January 30, 2006, to extend its own term of office in order to avoid the expense of legislative elections in the same year as the presidential one. The bill to keep the current parliament for another year was introduced by the Cabinet of President Idriss Deby, whose Patriotic Salvation Movement Party at present holds 110 seats in the 155-member legislature. Abderamane Djasnabaille, Minister of Parliamentary Affairs and Human Rights, argued that the country did not have the resources to organize all the polls in the same year. However, Michel Barka, head of Chad's largest labor union, criticized the proposal, calling it a move by the President to maintain a politically friendly parliament. He cast doubt on the argument of lack of funds, stating, "[t]hese elections have been planned for this year for a long time and it's only now that the government realises it does not



have the money." (*Parliament Votes to Prolong Its Mandate*, ALLAFRICA.COM, Jan. 31, 2006, <http://allafrica.com/stories/200601310958.html>.)
(Constance A. Johnson, 7-9829, cojo@loc.gov)

CONGO (DRC) – Parliament Adopts Electoral Law

The Parliament of the Democratic Republic of Congo (DRC) has adopted a bill giving the Independent Electoral Commission 110 days to organize national democratic elections once DRC President Joseph Kabila signs the document into law. The Parliament adopted the electoral law on February 21, 2006, paving the way for the country's first free presidential poll since its independence in 1960.

Under the law, the National Assembly and Senate of the DRC had agreed to establish a special commission to handle issues raised by lawmakers concerning allocation of parliamentary seats and the election schedule. The commission presented the electoral timetable to Parliament, saying it needed the time to call the elections and to hold the first in the series of polls. The country's transitional constitution requires that the polls be held before June 30, 2006. The commission suggested that the elections begin on June 18, as long as the president signs the electoral law on February 27.

At least twenty-five million voters have registered to vote nationwide. However, the main opposition party, the Union pour la Démocratie et le Progrès Social (UDPS), has called for the reopening of the voter register, now that it has retracted its decision to boycott the polls. Party leader Etienne Tshisekedi had initially called on his supporters to boycott the elections, saying his party was fundamentally opposed to the constitution, which in his view amounted to selling the country to foreigners. This appeared to be a reference to a clause in the document granting citizenship to people who settled in the country before independence in 1960. However, with the massive voter support in a December 18, 2005, referendum for the new constitution, Tshisekedi ended his boycott. (*DRC Parliament Adopts Electoral Law*, CHINA VIEW, Feb. 22, 2006, http://news.xinhuanet.com/english/2006-02/22/content_4211454.htm.)
(Karla Walker, 7-4332, kdwa@loc.gov)

GHANA – Transfer of Judges

The decision by Ghana's Chief Justice (CJ) to transfer most of the judges manning the lower courts in Sekondi Takoradi metropolis over the past year seems to have created problems for both the police and the litigating public. Most of the criminal cases that were being handled by the transferred judges must be tried afresh, since the courts could not give judgment before the transfer orders came. This has made the work of the prosecuting police officers very difficult. The police are now re-arresting suspects and calling prosecution witnesses to re-start cases. Complainants in these cases are also frustrated. After attending court for several months and, in some of the cases, years, plaintiffs have to start all over again. The main complaint is that the CJ should have allowed the transferred judges, before they were asked to leave, to dispose of all the cases they were handling that were due for judgment.

A recent example of this occurred on February 2, 2006, when the Takoradi Circuit Court, presided over by Judge George K. Koomson, discharged Rev. Asankomah Tandoh's theft indictment. Tandoh had been arrested on July 28, 1999, and later arraigned on two counts of stealing, contrary to



section 124(1) of the Criminal Code 1960 Act 29/60. He was also accused of stealing foreign currencies and technical equipment belonging to Jesus of Nazareth Ministry, valued at US\$8 million. He pleaded not guilty to all the charges. After the prosecution concluded its case, counsel for Tandoh moved for a dismissal on the grounds of lack of evidence. The court overruled the motion and ordered the defense to begin its case. Before the defense began, however, the judge then handling the case, Judge Owusu-Ofori, was transferred and a new judge, George Koomson, was selected to preside, requiring that the trial begin again. However, this time the prosecution found it difficult to locate several witnesses, specifically the chief inspector in the case who was now said to be outside the jurisdiction of the court. These circumstances compelled the court to discharge Tandoh for lack of evidence. A few days after the dismissal, Tandoh was re-arrested to face the same charges leveled against him earlier. The new trial is expected to begin on March 6, 2006.

The transferring of judges in Ghana, as in other countries, is a practice that often stems from a high incidence of complaints of corruption in the courts against judges who have stayed in office too long and created allegiances with locally powerful officials. (*Transfer of Judges Causes Stir in T'di*, GHANAIAN CHRONICLE, Feb. 21, 2006, available at <http://allafrica.com/stories/200602210730.html>.) (Karla Walker, 7-4332, kdwa@loc.gov)

KENYA – Legal Obstacles to Recovering Proceeds of Corruption

A leading Kenyan lawyer is quoted as saying that under the Economic Crimes Act, assets allegedly acquired through corruption can only be confiscated once “a myriad of legal processes has been followed.” Moreover, the government would have to prove beyond a doubt that the property concerned was obtained through graft. The lawyer, Albert Mumma, points out that: “[t]his would take a long, long time to prove. We would be sitting in court hearings for years.” However, the Kenya Bankers Association points out that trying to amend the legislation to streamline asset seizure would itself probably be a lengthy process that would further frustrate efforts to recover illicit wealth. An official of the Bankers Association adds that it would be difficult to trace illegally acquired funds deposited in Kenyan banks, because there is currently no law that could override the confidentiality of deposit holders. (*Kenya: A Corruption Suspect's Best Friend? The Law*, INTER PRESS SERVICE (Johannesburg), Feb. 22, 2006, <http://allafrica.com/stories/printable/200602230053.html>.) (Donald R. DeGlopper, 7-9831, ddeg@loc.gov)

KENYA – Sport Hunting Ban May Be Lifted

It was reported on January 13, 2006, that as part of a revamping of its wildlife policies, Kenya might lift an almost thirty-year-old ban on sport hunting, which was imposed in 1977. According to Julius Kipng'etich, the director of Kenya Wildlife Service, the review of the country's entire wildlife policy began in September 2005, with the ban on hunting one of the issues open for review and discussion. However, he said, Kenya remains firmly opposed to any attempts to ease the ban on global trade in ivory, in order to protect its elephants from poachers.

Animal welfare groups have deemed Kenya a model of ethical wildlife conservation and are likely to protest lifting of the ban. Other game-rich nations, however, such as South Africa and Tanzania, have profited handsomely from the big game hunting industry. According to a researcher with the Bronx Zoo-based Wildlife Conservation Society, “[h]unting is the most lucrative way of utilizing wildlife and has the least impact,” because the “trophy” animals foreign sport hunters tend to



prefer are typically older and non-breeding animals and because such hunting can be less intrusive than the tourist trade in visits to game reserves, which involves more people, vehicles, and noise. (Ed Stoddard, *Kenya Says May Lift Ban on Sport Hunting*, REUTERS, Jan. 13, 2006, <http://go.reuters.com/newsArticle.jhtml;jsessionid=PVY3QLT420XBGCRBAEOCFEY?type=science&News&storyID=10843684>.)

(Wendy Zeldin, 7-9832, wzel@loc.gov)

LIBERIA – Truth Commission

President Ellen Johnson Sirleaf, who took over the Liberian Government in January 2006 from a postwar transitional government, inaugurated a truth commission on February 20, 2006, to investigate crimes and human rights abuses committed in the war-battered country over the last quarter century. The seven-member Truth and Reconciliation Commission has a mandate to investigate crimes committed from 1979 until 2003, when the years of civil war ended. President Sirleaf said that Liberians must be courageous enough "to face up to the past and revile as an affront to all civilized people the despicable acts our people endured during the past 14 years of our civil conflict."

The Commission is modeled on South Africa's truth commission, which was established in 1995 and investigated political crimes committed by all sides during decades of white, minority rule. The Commission will not have the power to try cases. The Liberian Government has committed US\$350,000 to the Commission, along with US\$500,000 pledged by the United Nations. (*Liberia Inaugurates Truth Commission*, THE GUARDIAN, Feb. 21, 2006, <http://www.guardian.co.uk/worldlatest/story0,-5635033,00.html>.)

(Karla Walker, 7-4332, kdwa@loc.gov)

MAURITIUS – HIV/AIDS Bill

The Government of Mauritius is considering an HIV/AIDS Preventive Measures Bill. Health Minister Satish Faugoo expects to introduce it in the March 2006 session of the parliament. While it reportedly contains some positive steps to fight the spread of AIDS, e.g., compulsory testing of potential blood or organ donors, some of the bill's provisions are controversial. One example is compulsory testing. Any officer from the Ministry of Health is empowered under the bill to force someone to take the HIV test if the officer has "reasonable grounds" to believe that the person might be infected.

While the person concerned has the right to refuse, if he or she does so, the health officer could resort to the courts to determine whether the testing should be carried out. Another controversial aspect of the bill is that it entitles doctors to disclose the state of an infected patient to his/her spouse after giving the patient "reasonable opportunity to disclose his infected status to his or her sexual contact." A third controversial feature is the stipulation that clean needles be provided to drug addicts, but only if the addicts are in a rehabilitation program. (*Pauline Etienne, Coming HIV Aids [sic] Bill Sparks Debate*, L'EXPRESS (Port Louis), Jan. 31, 2006, http://allafrica.com/stories/200601310_779.html.)

(Wendy Zeldin, 7-9832, wzel@loc.gov)



NIGERIA – Bird Flu Outbreak Countermeasures

The World Organization for Animal Health (OIE), based in Paris, reported on February 8, 2006, that the highly pathogenic strain of the H5N1 avian flu virus had been discovered in northern Nigeria, the first time it had been found in Africa. The affected commercial chicken farm had some 46,000 birds. Authorities said the measures they had taken to quash the outbreak included disinfecting the affected premises, imposing quarantine, and restricting the movement of animals. Agriculture Minister Adamu Bello stated that the government would cull all infected birds. It has also announced a multi-million dollar compensation program for farmers. However, one farmer was quoted as saying, “the dead birds are being sent to market to be sold as meat ... because people are not sure if the government will assist them.”

Millions of people in Nigeria reportedly raise chickens as a basic means of income; therefore an outbreak of avian flu could have devastating consequences for their livelihood. “We are really not dealing with a backyard operation,” OIE expert Alex Thiermann stated. It was not clear whether the case was connected with the thousands of poultry deaths in the neighboring state of Kano, which are being investigated but might be the result of a more common avian disease. It is also unclear how the deadly strain entered Nigeria, which has banned poultry imports for two years from countries that have had cases of avian flu. (Press Release, OIE, Avian Influenza Outbreak in Nigeria (Feb. 8, 2006), http://www.oie.int/eng/press/en_060208.htm; *Deadly Bird Flu Found in Africa*, BBC NEWS/AFRICA, Feb. 8, 2006, <http://news.bbc.co.uk/2/hi/africa/4692916.stm>.)
(Wendy Zeldin, 7-9832, wzeld@loc.gov)

NIGERIA – Police Strike Fails

A planned nationwide strike by junior police officers in crime-ridden Nigeria, to press for wage hikes, better work conditions, and promotions, has failed. The officers, part of a previously unknown group dubbing itself the National Union of Policemen (NUP), had threatened to launch the strike from February 20, 2006. In an effort to avert the strike, President Olusegun Obasanjo met with top police officers in Abuja and promised to look into the demands of the 330,000-strong police force. Corporal Sam Iweagwu of the Lagos police command said the strike had been suspended. Police across the country were on duty on February 20, notably in the northern city of Kano, where, despite the imposition of Shari’a law, the crime rate is rising, and in the capital Abuja and the southwestern towns of Akure, Abeokuta, and Ibadan, which have crime rates that are higher than the national average.

If the strike had proceeded, it would have been the second in four years. In 2002, junior officers launched a general strike that almost crippled economic and commercial activities in Africa's most populous nation for two days. (*Police Strike in Nigeria Flops*, SUNDAY TIMES, Feb. 21, 2006, <http://www.suntimes.co.za/zones/sundaytimesNEW/basket6st/basket6st1140435165.aspx>.)
(Karla Walker, 7-4332, kdwa@loc.gov)

SOUTH AFRICA – Abolishing Labor Courts

A judge of the High Court in Johannesburg has written about the raft of proposed legislation dealing with the structure and functioning of South Africa's court system. Some of the proposed reforms are not urgent but are controversial, dealing with the demarcation of the boundaries between the executive, legislative, and judicial power, the number of tiers in the appeals system, and the relationship between the Supreme Court of Appeal and the Constitutional Court. The only question that



is both urgent and controversial is the merger of the labor courts into the established court system. This is necessary, the judge argues, because it has become clear that, despite certain attractions in having specialized courts, there can only be one legal system, functioning in a single hierarchy of courts. He suggests several practicable proposals for placing the current labor court judges in positions where their expertise can be called on when required. (*Exploring Ways out of the Impasse*, BUSINESS DAY (Johannesburg), Feb. 23, 2006, <http://allafrica.com/stories/printable/200602230503.html>.) (Donald R. DeGlopper, 7-9831, ddeg@loc.gov)

SOUTH AFRICA – Cooperatives Act

On August 14, 2005, the Parliament of South Africa signed into law the Cooperatives Act of 2005. The Act provides for the formation and registration of cooperatives, the establishment of a Cooperatives Advisory Board, the winding up of cooperatives, the repeal of Act No. 91 of 1981, and related matters. The Act lists the following among its objectives: the promotion of the development of sustainable cooperatives that comply with cooperative principles, the encouragement of persons and groups who subscribe to values of self-reliance and self-help and who choose to work together to register cooperatives, the recognition of the separate legal status of cooperatives, and the promotion of equity and greater participation and management of cooperatives by “black persons, especially those in rural areas, women, persons with disability [sic] and youth...,” etc. The Act recognizes different types of cooperatives, including housing, worker, burial, and financial services co-operatives, etc. (Co-Operatives Act of 2005, Parliament of South Africa website, http://www.parliament.gov.za/pls/portal/web_app.utl_output_doc?p_table=acts&p_doc_col=act_doc&p_mime_col=mime_type&p_id=617719 (last visited Feb. 21, 2006).) (Ruth Levush, 7-9847, rlev@loc.gov)

UGANDA – Access to Information Act

On July 19, 2005, Uganda enacted the Access to Information Act, No. 6 of 2005 (*Acts Supplement to the Uganda Gazette*, July 19, 2005, at 1-36). The Act provides for the right of access to information pursuant to article 41 of the Constitution, prescribes classes of information referred to in this constitutional provision, and establishes the procedure for obtaining access to such information. Article 41 of the Constitution of Uganda is similarly entitled “Right of Access to Information.” Under this article, every citizen of Uganda has the right of access to information in the possession of the state or any other organ or agency of the state, except where the release of the information is likely to prejudice the security or sovereignty of the state or if such a right interferes with the right to privacy of any other person.

The article also empowers parliament to make laws prescribing the classes of information and procedures for obtaining access to this information. Under the Act of 2005, information referred to in the Constitution includes records of government ministries, departments, local governments, statutory bodies, and other agencies of the government. However, citizens do not have access to Cabinet minutes and minutes of Cabinet committees. The Act also contains safeguards to ensure the privacy of individual records and commercial, law enforcement, privileged, and confidential information. (Charles Mwalimu, 7-0637, cmwa@loc.gov)



UGANDA – Attorney Laws

On July 22, 2005, Uganda promulgated the Advocates (Inspection and Approval of Chambers) Regulations 2005, No. 65 (*Statutory Instrument Supplement to the Uganda Gazette*, July 22, 2005, at 765-769). The Law Council of Uganda has issued these Regulations under the Advocates Act 1970 as amended (11 L. UGANDA, Ch.267, 5736-5790, 2000). Law offices of private attorneys in Uganda are referred to as “Chambers.” The Law Council under these Regulations inspects law offices at least once a year and issues a certificate of approval of Chambers. Each attorney applies for the inspection at least two months before the expiration of the previous certificate.

The Regulations ensure that law offices maintain the highest standard of professionalism to conduct their legal business, and the Law Council can decline an application that does not meet its established standards. Law offices can be ordered closed if they do not have suitable desks for the attorneys, separate offices for partners or attorneys, facilities for support staff and equipment, a reference collection of the most basic materials on law, and a full set of the *Revised Laws of Uganda 2000*.

The Council can also revoke a certificate of approval of Chambers due to a change in the office location, the firm, or the partners; the striking of the name of a partner of the firm off the Roll of Attorneys; or if the Law Council otherwise deems it necessary to do so. Attorneys must pay a prescribed fee for the application to have their law offices inspected.

(Charles Mwalimu, 7-0637, cmwa@loc.gov)

UGANDA – Draft Wetlands Law

Uganda’s Assistant Commissioner for Wetlands, Paul Mafabi, stated on January 24, 2006, at a workshop to review national wetlands policy, that Uganda will draft a new law on wetlands. He noted that the country had won global recognition for its “outstanding achievements of promoting the wise use of wetlands” and that, as a contracting party to the Ramsar Convention on Wetlands, Uganda is obligated to formulate strategies, including the adoption of new laws, to promote wise use. However, he stated, problems still arise over claims of ownership of some wetlands in contravention of the Ugandan Constitution, which provides that wetlands are protected areas held in trust for the people of Uganda. Reportedly there heretofore has been no unified legal backing for the wetlands policy. Instead, scattered provisions in legislation such as the Land Act, the Environment Act, and the Constitution support it. (*Uganda: Wetland Law in Offing*, AFRICA NEWS, Jan. 26, 2006, LEXIS/NEXIS, News Library, 90days File.)

(Wendy Zeldin, 7-9832, wzeld@loc.gov)

UGANDA – Employment Law

On July 15, 2005, Uganda issued the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations 2005, No. 62 (*Statutory Instrument Supplement to the Uganda Gazette*, July 22, 2005, at 703-740). The Regulations are issued under the Employment Act. Their stated purpose is to promote full employment and equality of employment opportunities for all and to uphold the dignity and rights of Ugandan workers. The Regulations also aim at permitting deployment of Ugandan citizens to various countries around the world in conformity with the labor and social laws of those countries that are parties to and enforce various international agreements protecting the rights of migrant workers.



The Regulations also contain legal regimes to protect every Ugandan citizen who wishes to work abroad by securing the best terms and conditions of employment, as well as providing a mechanism for issuing licenses to recruitment agencies. The ministry responsible for employment in Uganda is the administering authority of the Regulations.

Under these Regulations, a person or corporation cannot transact business as a recruitment agent or agency in Uganda without a license. A license is only issued to a corporation or to a person if the legal entity is registered either under the Partnership Act or the Companies Act. If the recruitment agency is a partnership, half of the partners must be Ugandans. Travel and/or sales agencies of airline corporations; any officer of a corporation related to the travel agency industry; and political, religious, or tribal organizations cannot be registered as recruitment agencies under these Regulations.

(Charles Mwalimu, 7-0637, cmwa@loc.gov)

UGANDA – Referendum Rules

On July 22, 2005, Uganda promulgated the Referendum (Petition) Rules, 2005 No. 64 (*Statutory Instrument Supplement to the Uganda Gazette*, July 22, 2005, at 743-764). The Rules are issued by the Chief Justice of Uganda under subsection (22) of section 24 of the Referendum Act and Other Provisions Act 2005. According to section 4 of the Rules, every petition should state that the petitioner has the right to bring the petition due to his or her being a registered voter. A petition should receive the support of not less than two percent of the total number of registered voters in Uganda. If it concerns a particular section of Uganda only, the petition should show that the individual petitioner has the support of not less than two percent of the total number of registered voters from that section.

The petition should also set out a brief statement on the non-compliance with the provisions of the Act or, if the issue concerns elections, on the relevant provisions of the Parliamentary Elections Act of 2001 affecting the result of the referendum in a substantial manner. A standard petition form accompanies the Rules. The Rules also govern items to be made part of the petition, mode of presentation, service, duty of service of the petition by the government, answers by respondent, directions for a hearing, trial of petition, unopposed petition, withdrawal of petition with or without the petition of the court, and appeals to the Court of Appeal and the Supreme Court.

(Charles Mwalimu, 7-06371, cmwa@loc.gov)



EAST ASIA & PACIFIC

AUSTRALIA – Calls to Ban Foreign Campaign Donations

The news that a British billionaire peer donated A\$1 million (about US\$738,100) to the governing Australian Liberal Party in 2004 has prompted renewed calls for a ban on foreign campaign donations. Senator Andrew Murray of the Australian Democrats Party pointed out that if the donor, Michael Ashcroft, had been Australian he would not have been able to donate the millions of pounds he has given to the British Conservative Party, because British law forbids foreign donations. Lord Ashcroft's gift is the largest single political donation by an individual since Australia began recording such contributions in 1983.

Meanwhile, Australia's government has indicated that it will amend the Commonwealth Electoral Act, which requires disclosure of all contributions above A\$1500 (about US\$1107) from companies and above A\$100 (about US\$73.81) from individuals. The amended Act will require disclosure of corporate contributions above A\$10,000, and will increase the tax deduction for contributions from individuals to A\$1500 from the current A\$100. (*Lord's Gift Prompts Call for Donations Ban*, THE AUSTRALIAN, Feb. 2, 2006, <http://www.theaustralian.news.com.au/>; *Donate to Us on the Quiet, Libs Tell Business*, SYDNEY MORNING HERALD, Feb. 1, 2006, <http://www.smh.com.au/>.)
(Donald R. DeGlopper, 7-9831, ddeg@loc.gov)

AUSTRALIA – Commission to Oversee Judges' Conduct

Australia's government is reported to be considering establishing a commission to handle complaints against federal judges about inappropriate or unethical conduct. Senator Bill Heffernan told the Senate Legal and Constitutional Committee that he had received, from an anonymous source, copies of New South Wales police intelligence reports involving meetings of several "persons of interest," one of whom was a Sydney lawyer, one a convicted criminal, and the third a senior federal judge. According to Senator Heffernan, "there is in that document, evidence of serious impropriety and the use of prostitution." While a judge can be imprisoned for a criminal offense, there is no existing mechanism to investigate complaints about inappropriate conduct. Under section 72 of Australia's Constitution, a federal judge can be removed from office only if both Houses of Parliament meet to discuss the matter. Then a plea must be made to the Governor-General for the judge's removal. This has never been done. The Attorney-General and the Justice Minister have announced that the government is considering forming a federal judicial commission that would consider "judicial conduct across the whole ambit." (*Federal Judges to Face Fresh Scrutiny*, THE AUSTRALIAN, Feb. 18, 2006, <http://www.theaustralian.news.com.au/>.)
(Donald R. DeGlopper, 7-9831, ddeg@loc.gov)

CHINA – AIDS Regulations

China's State Council adopted the Regulations on the Prevention and Treatment of AIDS on January 29, 2006, effective on March 1, 2006. The Regulations ban discrimination against those infected with AIDS or their families and make it illegal to reveal the identity of infected persons or their family members. They mandate regional authorities to provide free testing and treatment to AIDS sufferers; rural patients and poor urban patients are to receive free anti-HIV/AIDS drugs. The



Regulations call for free consultation and treatment to be made available to pregnant women with AIDS so as to prevent the spread of infection from mother to child and for children orphaned by AIDS to receive free schooling. Operators of public entertainment venues are required by the new rules to offer condoms or install condom vending machines. The Regulations stipulate that any official who causes AIDS to spread will be punished. An article in *China Daily* describes the Regulations as “the most comprehensive since China promulgated its first government policy guidelines” on the subject, in 1987, their significance lying in the fact “that they endorse and legalize some practices that have been advocated by experts as being desperately urgent but opposed vehemently by puritanical critics.” However, in the view of AIDS activist Hu Jia, the Regulations “did not go far beyond grouping existing regulations under a single heading,” and the problem is not a lack of laws but their implementation by local governments. (*Pragmatic Regulation Helps Control AIDS*, CHINA Daily, Feb. 14, 2006, http://www.chinadaily.com.cn/english/doc/2006-02/14/content_519906.htm; *China Bans Discrimination Against AIDS Sufferers*, REUTERS, Feb. 12, 2006, <http://www.alertnet.org/thenews/newsdesk/PEK58892.htm>; Chinese text of the Regulations, LAW-LIB.COM, http://www.law-lib.com/law/law_view.asp?id=133068.)

(Wendy Zeldin, 7-9832, wzeld@loc.gov)

CHINA – Approval Procedures Simplified for Foreign-Invested Companies

As of March 1, 2006, foreign-invested companies in China will no longer need to go through the Ministry of Commerce (MOC) for approval. According to a notice issued by the MOC on December 9, 2005, local commercial authorities will be responsible for approving the applications of proposed foreign-invested commercial enterprises (FICEs). The notice states that such companies include wholesale enterprises selling ordinary goods and small- and medium-sized retail enterprises. The new procedure will not apply, however, to FICEs engaged in a restricted industry or in the distribution of strategic raw materials or to those that will be established by means of merger and acquisition where the foreign enterprise and its domestic target are controlled by the same individual or the same management. The local commercial authorities (i.e., the provincial-level commercial authority or the administrative committees of economic and technology development zones) will also be in charge of approving larger-scale retail FICEs. The more direct approval procedure is viewed as likely to shorten the current lengthy process, which on average reportedly can take two to three months, but practices may differ depending on the locality. (*China Simplifies Approval Procedures to Foreign-Invested Companies*, XINHUA, Feb. 5, 2006, FBIS No. CPP20060205061004; *Simplified Approval Procedures for a Foreign-Invested Commercial Enterprise*, 3 CHINA ALERT: TAX AND REGULATORY DEVELOPMENTS (KPMG), Jan. 2006, http://www.kpmg.com.cn/en/virtual_library/Tax/china_alert/2006/Issue03_0106.pdf; Text of the circular (in Chinese), Ministry of Commerce website, <http://www.mofcom.gov.cn/aarticle/b/f/200512/20051201071391.html>.)

(Wendy Zeldin, 7-9832, wzeld@loc.gov)

CHINA – Ban on Sale of Human Organs

It was reported on December 23, 2005, that China’s Ministry of Health (MOH) is finalizing measures on banning the sale of human organs and regulating transplant operations. A draft of the measures states that human organs are not permitted for sale under any circumstances and that a donor retains the right to change his mind about donating an organ at any time prior to a transplant procedure. Before the removal of the organ, a hearing by medical, ethical, and social science experts must be organized for the donor and his family members to ensure that the donation is the genuine will of the



donor and will be carried out in conformity with legal and ethical principles. Organs from would-be donors who have blood-transmitted diseases are not to be used for transplant. The draft further stipulates the types of hospitals that qualify for conducting organ transplant operations: those with doctors certified to do such operations and with the corresponding professional staff, requisite facilities, and transplant technology, as well as an ethics committee and “established regulations.” To be able to continue doing organ transplantation, hospitals where such operations have been done must submit an application for an appraisal within six months after the measures take effect, according to the MOH. (Jessie Tao, *MOH Bans Sales of Human Organs*, CHINA DAILY, Dec. 23, 2005, http://www.chinadaily.com.cn/english/doc/2005-12/23/content_506115.htm.) (Wendy Zeldin, 7-9832, wzeld@loc.gov)

CHINA – New Bank Controls, E-Banking

The Bank of China (BOC) announced on February 6, 2006, that it would tighten internal controls to guarantee the security of bank assets and prevent more graft in the wake of former heads of one of its local branches being charged by a U.S. grand jury on January 31, 2006, with fifteen counts of money laundering, racketeering, and fraud. BOC spokesman Wang Zhaowen stated that the BOC would also “co-operate with international law enforcement departments to punish the criminals, [and] recover any missing cash as much as possible.” (*China Daily: Fraud Charges Prompt Bank of China to Improve Internal Controls*, CHINA DAILY, Feb. 7, 2006, FBIS No. CPP20060207057006.) On February 7, 2006, the China Banking Regulatory Commission (CBRC) issued Guidelines on E-Banking Security Evaluation. “Security evaluation” is defined as security testing and review and appraisal of the capability of e-banking controls in terms of security strategy, internal control system, risk management, systematic security, and client protection carried out by financial institutions in the course of conducting e-banking business. Evaluations are to be done at least once every two years by any financial institution that engages in the e-banking business. The assessment institution may be either an external agency or an internal department of the financial institution. Both the Guidelines and the CBRC’s Administrative Measures Governing E-Banking Business, promulgated on January 26, 2006, entered into force on March 1, 2006. (*CBRC Guides E-Bank Safety Assessment*, 4 ISINOLAW WEEKLY (Feb. 6-12, 2006), from webmaster@isinolaw.com; CBRC, *The CBRC Promulgated Rules to Standardize E-Banking Business and Relevant Security Evaluation*, Feb. 6, 2006, http://www.cbrc.gov.cn/mod_cn00/jsp/en004002.jsp?infoID=2249&type=1; Chinese texts of the Guidelines and Measures, http://www.cbrc.gov.cn/mod_cn00/jsp/cn002013.jsp?itemid=7&type=1.) (Wendy Zeldin, 7-9832, wzeld@loc.gov)

CHINA – Patent Applications Rocketed Last Year

According to the China News Service (CNS), China was listed among the top ten countries in the world in 2005 for patent applications for the first time. CNS stated that the statistics from the World Intellectual Property Organization (WIPO) show that China's applications increased by forty-four percent compared with the previous year, placing China ahead of Canada, Italy, and Australia. The United States remained the country with the largest number of patent applications, some 45,111, followed by Japan with 25,145 applications. China had 2,452 applications in 2005, ranking it number ten in the world, a climb of three places. (*Patent Applications Increase in China, Joining the Top Ten*, CHINA NEWS, Feb 4, 2006, <http://www.chinanews.com.cn/news/2006/2006-02-04/8/685714.shtml>.) (Rui Wei, 7-9864, rwei@loc.gov)



CHINA – Taskforce Drafting Energy Law

China has set up a taskforce to draft a law on energy, government sources said on January 25, 2006. The taskforce, including government officials from fifteen government ministries and the national legislature, is headed by Ma Kai, the Minister of the National Development and Reform Commission (NDRC) and director of the National Energy Office.

A panel of experts specializing in law, energy, economics, and public management is advising the taskforce, according to the NDRC. Problems built up over past decades have begun to emerge in the energy sector, due to increasing demand for energy to power the country's fast-growing economy. "The complicated and changing international environment poses new challenges to the national energy and economic security," the taskforce statement said. (*China Begins Drafting Energy Law*, PEOPLE'S DAILY, Jan. 26, 2006, http://english.people.com.cn/200601/26/eng20060126_238359.html.) (Rui Wei, 7-9864, rwei@loc.gov)

HONG KONG – Consultation on Anti-Spam Law

On January 20, 2006, Hong Kong launched public consultation on a legislative proposal for a law on unsolicited electronic messages. John Tsang, Hong Kong's Secretary for Commerce, Industry and Technology, said that the proposed anti-spam law would only regulate electronic messages of a commercial nature and that non-commercial communications from governments, political parties, religious groups, charities, or individuals would not be included.

In the proposed anti-spam law, senders of commercial electronic messages must stop sending further messages to a recipient if the recipient asks them to do so. Convicted spammers are liable for a maximum fine of HK\$100,000 (about US\$12,903), plus HK\$1,000 (about US\$129) per day for repeated offenses. (*Hong Kong Starts Consultation on Anti-Spam Law*, PEOPLE'S DAILY, Jan 20, 2006, at http://english.people.com.cn/200601/20/eng20060120_237092.html.) (Rui Wei, 7-9864, rwei@loc.gov)

HONG KONG – Household Poultry Ban

On February 13, 2006, a ban on backyard poultry keeping took effect in Hong Kong, removing the exemption allowing households to keep up to twenty poultry. The aim of the ban is to protect public health and lower the risk of an avian flu outbreak. Compensation will apparently not be available to those who surrender their birds. Offenders against the ban will face a fine of HK\$50,000 to HK\$100,000 (US\$6,443 to \$12,885). Persons who wish to raise up to twenty racing pigeons must now apply for a license to do so.

In other moves, the government has strengthened patrols at checkpoints to curb poultry smuggling. In addition, Hong Kong and the bordering city of Shenzhen have agreed that if any farm close to the border has an H5N1 virus outbreak, chickens within a five-kilometer radius of that farm, even if they are across the border, will be killed to prevent the spread of avian flu. (*Xinhua: Hong Kong's Household Poultry Ban to Take Effect on 13 Feb*, XINHUA, Feb. 7, 2005, FBIS No. CPP20060207074023; *China Daily: Shenzhen, SAR Agree on Poultry Culling in Bird Flu Outbreak*, CHINA DAILY, Feb. 7, 2006, CPP20060207057016.) (Wendy Zeldin, 7-9832, wzeld@loc.gov)



INDONESIA – Terrorism Court Proposed

The Head of the Antiterrorism Desk at Indonesia's Coordinating Ministry for Political, Legal, and Security Affairs has proposed the establishment of a central court, with judges who specialize in terrorism, to handle terrorism-related cases. The model for the proposal was the European Union, where, according to the Ministry, all terrorist suspects are tried centrally. The National Police Chief argued that a special court could be formed on an ad hoc basis and that without it, "[w]e worry suspects will get away if they are tried in the regions." A revision of the anti-terrorism law would be needed to set up the court.

Not everyone in the nation agrees on the general approach to anti-terrorism work. The Indonesian Mujahidin Council opposed the ratification of the international conventions on terrorism, citing the lack of a clear definition of the crime of terrorism and the Council's view that such international standards were being applied in a discriminatory way, to target only Muslims. (*Indonesian Police Chief Proposes Special Court to Handle All Terrorism Cases*, JAKARTA KORAN TEMPO, Feb. 10, 2006, FBIS No. SEP20060214112001.)

(Constance A. Johnson, 7-9829, cojo@loc.gov)

JAPAN – Asbestos Relief Law

The Japanese Diet passed the Asbestos Relief Law and related bills on February 3, 2006, to compensate sufferers of asbestos-related illnesses. The Asbestos Relief Law stipulates that the government will cover out-of-pocket medical expenses and rehabilitation costs for people suffering from asbestos-linked diseases, such as mesothelioma, as well as consolation money for bereaved families. The new Law is intended to provide financial assistance for people who had worked at or lived near asbestos plants, but who were not covered by Workers' Accident Compensation Insurance. Four related laws were also revised to ensure strengthened control of asbestos. (*Ishiwata shinpō ga seiritsu, nendonai shikō e* [Asbestos Relief Law Enacted], ASAHI.COM, Feb. 3, 2006, <http://www.asahi.com/special/asbestos/TKY200602030360.html>.)

(Akiko Nishikawa & Sayuri Umeda, 7-0075, sume@loc.gov)

JAPAN – Top Court Dismisses Appeal over '04 Election

On January 19, 2006, the Supreme Court of Japan rejected appeals filed by a lawyers' group seeking to invalidate the results in several constituencies in the July 2004 Upper House election. The lawyers claimed that the proportional representation system, in which voters choose by name from party lists or vote for the parties, is unconstitutional because the seat distribution does not reflect voters' choices. The Supreme Court followed its own decision of January 2004, which concluded that the Diet had discretion in adopting the electoral system. Ninety-six seats among 242 seats of the House of Councillors are filled on the basis of a proportional representation system, by which seats are distributed to preferred party members according to the proportion of the vote received by the party. The remaining 146 are chosen according to the electoral district system, whereby one person is elected from each district. ('04 nen san'in sen mukō soshō: hikousoku meiboshiki, saikōsai "gouken" [Top Court Dismissed Appeal over '04 Election], MAINICHI SHINBUN, Jan. 19, 2006 (on file with authors).)

(Akiko Nishikawa & Sayuri Umeda, 7-0075, sume@loc.gov)



KOREA, SOUTH – Damages Awarded for Agent Orange

On January 26, 2006, the Seoul Appeals Court ordered the U.S. multinational chemical companies Monsanto and Dow Chemical to pay US\$62 million in compensation to about 6,800 South Koreans. More than 20,000 South Korean veterans and the surviving family members of soldiers who had suffered from aftereffects of exposure to Agent Orange during the Vietnam War had filed the lawsuit in Korea. The two companies involved have assets in Korea. (*Korea in Landmark Ruling Against Agent Orange Makers*, ENGLISH.CHOSUN.COM, Jan. 27, 2006, <http://english.chosun.com/w21data/html/news/200601/200601260024.html>.)

(Sayuri Umeda, 7-0075, sume@loc.gov)

KOREA, SOUTH – Malicious Online Remarks

Prosecutors brought charges of defamation against Internet users in South Korea who posted malicious replies to online articles about the accidental drowning death of a person's child. While there have been indictments for online slander or libel, this is the first time prosecutors have pressed charges for malicious online remarks. (*Victim of Online Terror Fights Back*, ENGLISH.CHOSUN.COM, Jan. 23, 2006, <http://english.chosun.com/w21data/html/news/200601/200601230014.html>.)

(Sayuri Umeda, 7-0075, sume@loc.gov)

PHILIPPINES – Legal Group to Coordinate Lawsuits Related to National Security

In what appears to be a crackdown on people involved in coup attempts and destabilization plots, President of the Philippines Gloria Macapagal-Arroyo has created an inter-agency legal action group (IALAG) for the coordination of lawsuits related to national security. Executive Order No. 493 acknowledges the need for a more coordinated approach to strengthen inter-departmental cooperation in the investigation, prosecution, and monitoring of offenses related to national security. "The IALAG shall address specific offenses that constitute threats to national security, including but not limited to cases of rebellion, sedition and related offenses. The IALAG shall also address national interest cases that threaten national security," Arroyo said. She added that the agencies concerned should deal with the respondents in these lawsuits "with utmost respect for human rights under the dictates of due process." Aside from acts of terrorism and insurgency, moves to overthrow the government are considered national security threats. (*Arroyo Creates Legal Group to Coordinate Lawsuits Related to National Security*, THE PHILIPPINE STAR, Feb. 1, 2006, FBIS No. SEP2006-0201019003.)

(Gustavo E. Guerra, 7-7104, ggue@loc.gov)

TAIWAN – Alcohol and Tobacco Tax Law Amended

On January 18, 2006, Taiwan's Tobacco and Alcohol Tax Law was amended. Under the amendment, the health and welfare duty on tobacco products is doubled. Ninety percent of the duty will be set aside as a safe reserve for national health insurance; the other ten percent will be used for prevention and control of tobacco-related hazards, health maintenance, a crackdown on counterfeit and inferior tobacco products, prevention and control of tobacco tax evasion, and social welfare. The Executive Yuan (Cabinet) will set the effective date of this amendment. (ZONG-TONG FU GONG-BAO [THE GAZETTE OF THE OFFICE OF THE PRESIDENT], No. 6669 (Jan. 18, 2006), Global Legal Information Network, GLIN ID 173785, <http://www.glin.gov/view.do?documentID=173785&summaryLang=en&fromSearch=true>.)

(Wendy Zeldin, 7-9832, wzeld@loc.gov)



TAIWAN – National Defense Education Law Enters into Effect

Taiwan's National Defense Education Law formally entered into effect on February 2, 2006. The Law was promulgated one year before. Stated aims of the Law are to enhance the public's knowledge of defense and reinforce their support for national defense development and the safeguarding of national security. According to Ministry of National Defense (MND) officials, the MND is to play a leading role in furthering national defense education, because China is "incessantly expanding its military build-up, conducting military exercises targeting Taiwan and speeding up 'psychological and media warfare' to ease local people's 'psychological defence and enmity towards China.'"

In carrying out national defense education programs in schools, the MND will integrate various government agency resources at the central and local levels. The officials said that national defense courses will be included in on-the-job education programs at government institutions, public awareness programs will be launched to promote protection of defense-related relics, and civilians will be mobilized to take part in civil defense training drills as stipulated under the new Law. (*Taiwan Enacts National Defence Education Law*, BBC WORLDWIDE MONITORING, Feb. 2, 2006, LEXIS/NEXIS, News Library, 90days File; ZONG-TONG FU GONG-BAO [THE GAZETTE OF THE OFFICE OF THE PRESIDENT], No. 6616 (Feb. 2, 2005), Global Legal Information Network, GLIN ID 143536, <http://www.glin.gov/view.do?documentID=143536&summaryLang=zh&fromSearch=true>.) (Wendy Zeldin, 7-9832, wzeld@loc.gov)

TAIWAN – New 180-Day Tourist Visa for Japanese Seniors

According to a foreign affairs official speaking on January 20, 2006, Taiwan will issue 180-day tourist visas to selected Japanese citizens over fifty-five years of age, beginning in February 2006, as part of its efforts to promote substantive relations between the two countries. In addition to meeting the age requirement in order to receive the new six-month, multiple-entry, non-extendible visas, applicants must produce documents showing that they have never committed a crime, have family assets worthy over US\$50,000, enjoy national pension payments, and have overseas travel insurance policies, including medical and accidental insurance, that will remain valid for more than six months. (*Taiwan to Grant 180-Days Visitor Visas to Elderly Japanese*, THE CHINA POST, Jan 20, 2006, <http://www.China.post.com.tw/taiwan/detail.asp?ID=75650&GRP=B>.) (Rui Wei, 7-9864, rwei@loc.gov)

TAIWAN – National Unification Council Ceases Functioning

On February 27, 2006, at the conclusion of a National Security Conference, Taiwan President Chen Shui-bian announced that the National Unification Council (NUC) will cease to function and that the Guidelines for National Unification (GNU) will cease to apply. The NUC, established in 1990, served as an advisory body to the President on relations with mainland China; the GNU were drawn up by the NUC in 1991 on the basis of a phased approach towards reunification with the Mainland. Other parts of the organizational framework for cross-Taiwan Strait ties include the Mainland Affairs Council and the Straits Exchange Foundation.

In his directive announcing this decision, the President made a seven-point proclamation on Taiwan's national security. He indicated, among other points, that "Taiwan has no intention to change the status quo," that cessation of the NUC and the GNU will not lead to any change of the status quo, that the two sides of the Taiwan Strait must actively seek to create mechanisms for interaction through



government-to-government dialogue, that Taiwan people “have the right and obligation to joint international communities,” and that Taiwan will “actively strengthen and upgrade its self-defense determination and capabilities” to ensure national security. (*Taiwan: Report on President Chen Shui-bian’s Speech on Scrapping NUC*, Feb. 27, 2006, Office of the President website, FBIS No. CPP20060227331010; TAIWAN 2005 YEARBOOK 90-91 (Nov. 2005).)
(Wendy Zeldin, 7-9832, wzeld@loc.gov)

TAIWAN – New Sexual Harassment Prevention Laws to Take Effect

The 2005 Sexual Harassment Prevention Law and the 2006 Sexual Harassment Prevention Guidelines both took effect on February 6, 2006. The Law stipulates that local governments must establish sexual harassment control and prevention centers and maintain twenty-four-hour hotlines for emergency cases. (*Anti-Harassment Code to Take Effect*, TAIPEI TIMES, Feb. 3, 2006, <http://www.taipeitimes.com/News/taiwan/archives/2006/02/03/2003291409>.)
(Rui Wei, 7-9864, rwei@loc.gov)

TONGA – Speaker of the House of Parliament Guilty of Bribery

The Tongan courts have found the Speaker of the House of Parliament guilty of bribery. The Speaker had attempted to avoid over 300,000 Tongan *pa’anga* (about US\$147,000) in customs duty on imported rum by bribing customs officers. This is the first time a nobleman has been found guilty of a criminal offense by a jury, and it may result in the Speaker losing his parliamentary position and being sentenced to up to three years of imprisonment and a fine. (*Jury Finds Tongan Speaker Guilty of Bribery*, MATANGI, Jan. 25, 2006, <http://www.matangitonga.to/article/tonganews/courts/veikune250106.shtml>.)
(Clare Feikert, 7-5262, cfei@loc.gov)

EUROPE

BELGIUM – Ban on Cluster Bombs

On February 16, 2006, the Belgian House of Representatives passed by a large majority a law prohibiting the manufacture, trade, storage, and use of cluster bombs. Belgium is the first country in the world to adopt such a law. The Senate had already approved the law in July 2005. The text of the law, however, makes it possible for some exceptions to be authorized. The parliament’s objective was not to jeopardize jobs in the armaments industry in Wallonia, one of the French-speaking regions of the country. Companies in this area will be able to continue their research and to develop cluster bombs that can self-destruct. (Jean Pierre Stroobants, *La Belgique devient le premier pays au monde à interdire les bombes à fragmentation*, LE MONDE, Feb.18, 2006, <http://www.lemonde.fr> (archives).)
(Nicole Atwill, 7-2832, natw@loc.gov)

BOSNIA & HERZEGOVINA – Rejection of Amendments on Intelligence Agency “Police” Powers

On February 14, 2006, the Bosnia-Herzegovina (B-H) House of Representatives rejected controversial proposed amendments to the Law on the B-H Intelligence Security Agency (OSA) that would have allowed the revival of privileges and work methods used by the former communist



Yugoslav State Security Service. The decision was based on the opinion of a joint parliamentary commission for oversight of OSA that opposed the revision. By contrast, the B-H Council of Ministers had formally endorsed the amendments, which reportedly would have “transformed the OSA into a police agency authorized to arrest and interrogate people without a court order, on the pretext of combating terrorism or threats against citizens.”

The OSA Director, Deputy Director, and Chief Inspector, “undoubtedly the authors of the disputed law,” had apparently decided to eliminate the parliamentary commission, the only democratic body with the right to oversee the OSA. Had the amendments been adopted, the commission would have been stripped of the right to monitor the OSA body in charge of taking applications and interviewing candidates for vacant OSA posts. In addition, courts would have been notified only after the arrest of a suspect, allowing interrogation without a lawyer or other legal protection to last as long as six hours. Certain military intelligence activities would also have been assigned to the OSA, in direct contradiction to principles of reform of the B-H intelligence sector. Tomislav Limov, head of the parliamentary commission, stated, “[t]he fact that they refer to terrorism and threats against citizens to justify their intention to carry out arrests and conduct interrogations repressively indicates that they are unable to act preventively, which is the basic method of work of present-day intelligence services.” (*Bosnian Parliament Rejects Law Granting ‘Police’ Powers to Intelligence Agency*, SARAJEVO OSLOBODJENJE, Feb. 16, 2006, at 4, 5, FBIS No. EUP20060216068004.) (Wendy Zeldin, 7-9832, wzeld@loc.gov)

CZECH REPUBLIC – Fines for Improper Use of State Emblems

On February 20, 2006, the public prosecutor brought charges against the nation’s Prime Minister, Jiri Paroubek, to the Prague City Court for Administrative Violations, accusing him of violating the Law on State Symbols and suggesting a fine in an amount equal to US\$500, half of the maximum fine permitted by the law for this kind of violation. The Prime Minister was seen wearing a replica of the jersey of the Czech national ice hockey team during the Turin Winter Olympics. Usage of an unauthorized image of the national coat of arms constitutes a misdemeanor under Czech law. The Czech Republic has two national coats of arms; a small one, depicting a two-tailed lion on a red shield, and a large one, divided into four parts. The large coat of arms, which was imprinted on the Prime Minister’s jersey, can only be used for official representation of the nation by officials or athletes. The application of the small coat of arms is less regulated. This type of state emblem can be used by anyone, provided it is used in a suitable and respectful way. Similar rules apply to the use of the national flag. The Law prohibits any images or inscriptions to be superimposed on the flag. However, there is no legal provision regulating or banning the sale of national symbols. Czech ice hockey jerseys were being widely sold during the Olympics. (*Fans May Be Fined for Coat of Arms on Jerseys*, CTK (Czech Press Agency) DAILY NEWS, Feb. 21, 2006, <http://www.ceskenoviny.cz/domov/>.) (Peter Roudik, 7-9861, prou@loc.gov)

DENMARK – Family Reunification Rules Revised

The Danish Government is revising the current rules concerning family reunification of immigrants. The rules have been criticized for being too strict because they require that those who wish to come to Denmark prove that they can support themselves without public funds. If adopted, the new rules would allow personal property that an immigrant owns in his or her home country to be included in the calculation of capacity to be self-supporting. Also, couples that wish to start their own



business may be given a dispensation. (*Family Reunification Rules to Be Eased*, DENMARK.DK THE OFFICIAL WINDOW, Jan. 19, 2006, available at http://denmark.dk/portal/page?_pageid=374,610566&_dad=portal&_schema=PORTAL&ic_nextitemno=1&ic_itemid=914723.)
(Linda Forslund, 7-9856, lifo@loc.gov)

ESTONIA – Ban on Gay Marriages Consistent with Constitution

On February 2, 2006, the Legal Chancellor of Estonia, an independent government official whose opinion on conformity of proposed legislation with the nation's Constitution is obligatory for all branches and institutions of government, issued a statement regarding the recently proposed amendments to the Family Law of Estonia, which would permit formal same-sex marriages and reform family property relations based on legal recognition of cohabitation. Concerning the Government's refusal to recognize civil unions, he stated: "cohabitation is a relationship between two free persons who do not want to register marriage. If the state steps in and starts regulating it, it will be using coercion against free people." He also stated that not allowing same-sex couples to enter family relationships recognized in law and protected by the state is not discrimination in the constitutional sense. He said that neither the Estonian Constitution nor international and European Union legal norms that serve as the basis for Estonia's legal system provide any right for homosexual couples to demand regulation of same-sex partnerships.

Family and marriage have been placed under special protection in the Estonian Constitution as a basis for the preservation of the nation and its growth. Cognizance is taken therein that marriage is a sustainable unit made up of a man and a woman who can have common progeny and thus ensure preservation of the society. According to the Legal Chancellor's statement, the fact that people of the same sex lack this capacity is the kind of difference that provides reasonable grounds for different treatment of same-sex and different-sex couples. He said that although the EU has taken steps to fight against discrimination based on sexual orientation and the European Parliament has adopted declarations against bans on same-sex marriages, these documents are not binding on the member states in regulating their family law. Following the Legal Chancellor's statement, the Estonian Ministry of Justice announced that it would not consider any amendments to family law until 2008. (*Legal Chancellor Allar Joks Has Said, Estonia's Not Permitting Same-Sex Unions*, BALTIC NEWS SERVICE, Feb. 2, 2006, <http://www.securities.com/>.)
(Peter Roudik, 7-9861, prou@loc.gov)

FRANCE – Council of Europe Report Criticizes Legal System

In a report published on February 18, 2006, the Commissioner for Human Rights of the Council of Europe identified a number of problems affecting France's legal system. Among others, the Commissioner sharply criticizes the conditions of prison detention and the situation of undocumented foreigners and calls for an urgent reform of police custody. He also attacks "the glaring lack of resources of the French judicial system" and expresses "strong reservations concerning the fact that no legal assistance whatsoever is allowed for the first 72 hours of police custody in drug-trafficking and terrorism cases."

The Commissioner makes seventy recommendations to the French authorities covering primarily the functioning of the legal system and police custody, the prison system, police brutality or violence, the situation of undocumented foreigners, the specific situation of minors, and the fight against racism, anti-Semitism, xenophobia, and discrimination. (Office of the Commissioner for



Human Rights, *Report by Mr. Alvaro Gil-Robles Commissioner for Human Rights on the Effective Respect for Human Rights in France*, CommDH(2006)2, Feb. 15, 2006, [http://www.coe.int/t/e/commissioner_h.r/communication_unit/CommDH\(2006\)2_E.doc](http://www.coe.int/t/e/commissioner_h.r/communication_unit/CommDH(2006)2_E.doc).)

(Nicole Atwill, 7-2832, natw@loc.gov)

FRANCE – Draft Law on Genetically Modified Organisms

On February 8, 2006, the French Minister of Education and Research presented a draft law on genetically modified organisms (GMOs) before the Council of Ministers. France is under formal notice from the European Union Commission that it will face a fine if it does not incorporate into its national law Council Directive 98/81/EC of October 26, 1998, on the Contained Uses of Genetically Modified Micro-Organisms and Directive 2001/18 EC of the European Parliament and the Council of March 12, 2001, on the Deliberate Release of Genetically Modified Organisms.

The draft law requires that plots planted with GMOs be declared. In addition, to protect consumers, any product containing GMOs would need an authorization, which would be granted for a maximum of ten years, before being put on the market and would have to be labeled if it contains more than 0.9 per cent GMOs. Crop trials in the open would also be subject to authorization, given after an assessment of the risks that any dissemination of the GMOs could have on the environment and public health. A biotechnology council would be created and would be responsible for evaluating and following all the GMO projects. A special fund would be set up to compensate farmers who do not grow GMOs for any contamination of their crops. It would be financed by a tax on GMO fields. (*Projet de loi relatif aux organismes génétiquement modifiés*, LEGIFRANCE, http://www.legifrance.gouv.fr/html/actualite/actualite_legislative/ogm.htm (last visited Feb. 21, 2006).)

(Nicole Atwill, 7-2832, natw@loc.gov)

GERMANY – Constitutional Court Rules on Shooting Down Hijacked Planes

On February 15, 2006, the German Federal Constitutional Court decided that passenger planes must not be shot down, even in an extreme emergency when hijacked by suicidal attackers. The judges stated that the authorization in the Air Security Law was unconstitutional and incompatible with the fundamental right to life. The Law had permitted the Defense Minister to order that a hijacked civilian aircraft that is to be used as a weapon be shot down. The court decision was based on the constitutional obligation to guarantee human dignity and to prevent a situation in which “the use of armed force affects persons on board the aircraft who are not participants in the crime.” (*German Constitutional Court Prohibits Shooting Down of Hijacked Passenger Planes*, BERLIN DPP, Feb. 15, 2006, FBIS No. EUP20060215085005; *German Court Annuls Law Letting Hijacked Planes Be Shot Down*, BLOOMBERG.COM, Feb. 15, 2006, <http://www.bloomberg.com/apps/news?pid=10000100&sid=aVEnLKtsDma4&refer=germany>.)

(Constance A. Johnson, 7-9829, cojo@loc.gov)

GERMANY – Housing Subsidy Abolished

One of the last statutory federal enactments of the year 2005 was the abolition of the heretofore-existing housing subsidy (*Gesetz zur Abschaffung der Eigenheimzulage*, Dec. 22, 2005, BUNDESGESETZBLATT I at 3680). A housing subsidy had been in effect since the 1950s, when the construction of homes was encouraged after World War II. (J. Dempsey, *Merkel Scores a Speedy Domestic Success*, THE INTERNATIONAL HERALD TRIBUNE, Dec. 22, 2005, at 3.) The latest version of



this subsidy had been applied since 1997 (*Eigenheimzulagengesetz*, Mar. 26, 1997, BUNDESGESETZBLATT I at 734, as amended), and it allowed home owners to claim one percent of the purchase or construction price of a newly built home for eight consecutive years, with higher sums granted to families with children and lower subsidies granted for the acquisition of pre-owned housing. The abolition of the subsidy is effective for purchases made or construction commenced after December 31, 2005.

(Edith Palmer, 7-9860, epal@loc.gov)

GERMANY – Suspended Sentence for Showing Disrespect to the Koran

On February 23, 2006, a German businessman was found guilty of disrupting public order by a court in Luedinghausen, in western Germany, for printing the words “Koran, the Holy Qur-An” on toilet paper. The court issued a one-year, suspended sentence. The man admitted that in July 2005 he printed the paper and sent it, together with a leaflet stating that the Koran was a “recipe book for terrorists,” to fifteen mosques in the cities of Duisburg, Hamburg, and Dortmund, as well as to television stations and news magazines. The defendant made a statement saying that he felt the action was within free speech rights and that he supported a group making artistic statements against Islamic extremism. The prosecution argued that the action “posed a risk, under the cover of free speech, to peaceful coexistence” of different cultures. (*German Businessman Given Suspended Sentence for Printing “Koran” on Toilet Paper*, AFP, Feb. 23, 2006, FBIS No. EUP20060223101014.)

(Constance A. Johnson, 7-9829, cojo@loc.gov)

ITALY – Measures on Female Genital Mutilation

In fulfillment of articles 2, 3, and 32 of the Italian Constitution and of the provisions of the Declaration and Platform for Action adopted in Beijing, China, on September 15, 1995, at the Fourth World Conference of the United Nations on Women, the Italian Government approved measures to prevent, prohibit, and punish the practice of female genital mutilation as a violation of the basic rights to integrity of the person and to the health of women and (female) children. (Law No. 7 of Jan. 9, 2006.) Coordination of activities developed by the pertinent ministries to prevent the practice of female genital mutilation and provide assistance to its victims is entrusted to the *Dipartimento per le Pari Opportunità* (Department of Equal Opportunity) of the Presidency of the Council of Ministers. Its task is to acquire data and information at the national and international level on actions taken to repress the practice and on strategies of prohibition developed by other states.

The Minister of Equal Opportunity, in agreement with other Ministers, develops appropriate information campaigns for immigrants from countries where mutilations are performed and on the promotion of initiatives for the immigrants’ social and cultural integration, with particular attention to the basic rights of the person, especially of women and (female) children. He also promotes suitable programs of *aggiornamento* (updating) for schoolteachers to spread knowledge of women’s and (female) children’s rights and programs at health facilities and social services to monitor already identified local cases.

The Law adds two new articles to the Criminal Code: article 583-bis on the practice of mutilation of female genital organs and 583-ter on additional penalties. The former imposes a penalty of four to twelve years in prison for commission of the crime. A penalty is also imposed for other kinds of injury inflicted on the female genital organs resulting in corporal or mental illness; the punishment is increased if the incident involves a minor or if it is done for profit. These provisions apply to acts perpetrated



abroad by Italian citizens or by foreigners residing in Italy or on Italian citizens or foreigners residing in Italy. According to article 583-ter, punishment imposed on active health professionals for the crimes foreseen in article 583-bis will include the additional penalty of deprivation of the practice of their profession for three to ten years.

In coordination with interested governments, the Ministry of Foreign Relations is including in its programs of cooperation for development in countries where female genital mutilation is still performed local-level projects of education and information directed at discouraging the practice. The programs also include the creation of centers against violence, to become capable of sheltering not only women who want to escape the practice, but also women who want to protect their daughters from it. Finally, the Law states that if an entity or its organizational unit is commonly used for the sole or primary purpose of consenting to or assisting in the perpetration of the crime of mutilation, it will be banned from carrying out those activities. (GAZZETTA UFFICIALE, No. 14, Jan. 18, 2006.)
(Dario Ferreira, 7-9817, dfer@loc.gov)

ITALY – President Rejects Appeal Reform

Italy's President Carlo Azeglio Ciampi refused to sign the law submitted by *Forza Italia* Deputy Gaetano Pecorella, known as the "Pecorella Law," intended to abolish the prosecution's right to appeal against an acquittal in a first-degree murder trial. Among the reasons given by Ciampi for sending the Law back to the parliament are the unconstitutional aspects in the proposed transformation of the functions of the Court of Cassation (Supreme Court) and the imbalance between the defense, which can appeal in case of condemnation, and the prosecution, which would not be able appeal the acquittal of the accused.

In spite of this reversal, Prime Minister Silvio Berlusconi stated that he will continue working on the amendments to the Law to "be able to add this new and important reform to our portfolio of positive achievements." (*Ciampi rinvia alle Camera la riforma dell'apello*, CORRIERE DELLA SERA, Jan. 21, 2006, at 1.)
(Dario Ferreira, 79817, dfer@loc.gov)

ITALY – State Council Rules for Crucifix

The Council of State of Italy has ruled to uphold the decision of the Regional Administrative Council of Veneto that displaying the crucifix in a public school did not violate the principles of impartiality and secularity of the state. The case, brought by a Finnish woman whose two children were pupils at a school in Padua, had previously gone to the Constitutional Court, which did not rule on it because the regulations of 1924 and 1928 that included the crucifix among school furnishings no longer had any legal validity. The Council stated that the crucifix could continue to be displayed in schoolrooms because it is a symbol that "is non-discriminatory from the religious standpoint." (*The Crucifix Remains in the Schoolroom – It Expresses Civic Values*, LA STAMPA, Feb. 16, 2006, FBIS EUP20060216058002.)
(Donald R. DeGlopper, 7-9831, ddeg@loc.gov)



LITHUANIA – Financial Sanctions Against Terrorists

On February 1, 2006, the Government of Lithuania approved the so-called Terrorist Watch List, which includes nineteen individuals and twenty-one legal persons, groups, and organizations residing within the European Union and related to terrorist activities. According to the government resolution, the rights of EU natural and legal persons to own and use funds and other property, including interest from accounts in financial institutions, may be restricted upon such persons' inclusion in the Terrorist Watch List. Their accounts will be frozen, and domestic and foreign financial institutions and insurance companies operating in Lithuania will not be allowed to provide financial services to individuals and companies placed on the List. However, individuals included in the List will be allowed to receive payments for goods and services provided to them in order to satisfy basic needs, such as food, medicine, health care services, and rent. Those willing to use the exemption will have to address the Financial Crime Investigation Service, and the Foreign Affairs Ministry will have to give its consent in each specific case. (*Lithuania to Impose Financial Sanctions to Terror Suspects*, BAL TIC NEWS SERVICE, Feb. 2, 2006, FBIS No. EUR 20060202011006.) (Peter Roudik, 7-9861, prou@loc.gov)

NETHERLANDS – Poultry Under Cover

In response to the apparent spread of bird flu among wild swans in Germany, the Dutch Minister of Agriculture has ordered all poultry keepers to screen off their birds as of February 20, 2006. The goal is to prevent domestic birds from coming into contact with wild ones by screening off their coops and runs. Unlike earlier orders, this one does not distinguish between high-risk and low-risk areas. The Dutch Government has also banned poultry markets and shows as well as exhibitions of poultry, carrier pigeons, and exotic birds, except for those taking place under a roof. (Netherlands Government Information Service, *Poultry to Be Screened Off in the Netherlands*, Feb. 15 2005, <http://www.government.nl/index.jsp>.) (Donald R. DeGlopper, 7-9831, ddeg@loc.gov)

PORTUGAL – Agreement with Microsoft

The Portuguese Government and Microsoft signed a partnership aimed at boosting investments in technology and training and making Portugal's economy more competitive vis-à-vis other European nations. According to a new report by the European Commission, Portugal's level of innovation was ranked in eighteenth place out of twenty-five member states. Portugal ranked poorly in research and development spending and the number of science graduates, among other factors.

Portuguese Prime Minister Jose Socrates was quoted as saying that his government and the software giant company share the same vision of a future where economic development will be closely linked to increasing investments in high technology and innovation. Among the various projects being carried out, emphasis will be given to establishing new software development centers, developing computer training programs targeted to students and the unemployed, and providing technology training to police officers to help them fight cyber crime. (*Portugal, Microsoft Ink Deal Aimed at Improving the Economy*, Yahoo! NEWS, Feb. 1, 2006, available at http://news.yahoo.com/s/afp/20060201/bs_afp/portugaleconomycompany.) (Eduardo Soares, 7-3525, esoa@loc.gov)



PORTUGAL – New Nationality Law Benefits Third Generation

On February 16, 2006, the Assembly of the Republic approved a new Nationality Law granting Portuguese citizens' grandchildren born abroad the right to file for Portuguese citizenship. The new law changes an old rule that extended the right only to second generation (sons and daughters) emigrants. It also enables immigrants' children born in Portugal to qualify for naturalization, provided that one of the parents has been a legal permanent resident in the country for five years.

Prime Minister José Sócrates praised the approval of the new law while Mr. Rui Marques, High Commissioner for Immigration and Ethnic Minorities, was quoted as saying that the increase in the number of immigrants will be beneficial to Portugal as these constitute only four percent of the national population, as opposed to an eight percent average in other European countries. (Ana Patrícia Dias/B.C.M., *Nova Lei – Parlamento Aprovou Ontem Legislação. Nacionalidade até a Terceira Geração*, CORREIO DA MANHÃ, Feb. 17, 2006, available at <http://www.prensaescrita.com/diarios.php?codigo=POR&pagina=http://www.correiomanha.pt.>) (Eduardo Soares, 7-3525, esoa@loc.gov)

PORTUGAL – Radios to Broadcast More Local Music

The Portuguese Parliament recently passed a measure compelling radio stations to dedicate a minimum of twenty-five percent of their broadcast time to playing Portuguese songs. The measure was designed to boost the dissemination of domestically produced music by setting a quota for local talent and is being seen as a way of defending the national music industry as well as Portugal's musical identity amidst a predominance of foreign pop and rock music on radio stations.

The local music market, mainly composed of the local rhythm *fado* and an escalating number of pop bands, represented only seven percent of all music played on radios in 2005, according to a recent statistical survey. A similar measure has been adopted by France, which set up a mandatory quota of forty percent of local music in their overall radio stations broadcasts. Portuguese radio stations that do not adapt to the new quota are faced with fines of up to €50,000 (about US\$59,600). (*Rádios Portuguesas Terão de Tocar 25% de Música Local*, UNIVERSO ON LINE, Jan. 20, 2006, available at <http://musica.uol.com.br/ultnot/reuters/2006/01/20/ult279u5723.jhtm.>) (Eduardo Soares, 7-3525, esoa@loc.gov)

PORTUGAL – Same-Sex Marriage

The first marriage license requested by a lesbian couple in Portugal's history was filed on February 1, 2006, with a Lisbon registry office. The license was refused one day later under the allegation that the Portuguese Civil Code defines marriage as a contract celebrated between two people of different sexes. The lesbian couple asserted the same rights as married couples as they attempted to obtain the marriage license, so that they could consolidate their three-year relationship. The couple wants to use the recent amendment to the Constitution, which states "no one shall be privileged, benefited, prejudiced, deprived of any right, or exempt from any duty, by reason of sexual orientation," to argue in court that the registry office's denial is unconstitutional. Pressure from gay groups on this issue began to increase in Portugal after Spain legalized same-sex marriage and adoptions by gay couples, following other countries that now recognize some form of gay union.



(Portugal Same-Sex Marriage Bid Turned Down, Court Challenge Looming, Yahoo! NEWS, Feb. 2, 2006, available at http://news.yahoo.com/s/afp/20060202/lf_afp/afplifestyleportugal_060202162407.)
(Eduardo Soares, 7-3525, esoa@loc.gov)

RUSSIAN FEDERATION – New Anti-Terrorism Institution

On February 16, 2006, President Vladimir Putin issued a decree ordering the creation of a National Anti-Terrorist Committee, a new government agency aimed at improving state management in the field of fighting terrorism. The Director of the Federal Security Service (the former KGB) was appointed to head the Committee. The Committee will include the Deputy Chief of Staff of the Russian President, members of the government, the Foreign Intelligence Director, the Chief of Staff of the Armed Forces, and the National Security Advisor.

According to the Decree, anti-terrorist commissions will be created in all eighty-seven constituent components of the Russian Federation. Their goal is to coordinate activities of regional and local governments and self-government authorities in order to prevent terrorist attacks and minimize or eliminate their consequences. The National Anti-Terrorist Committee and regional commissions will establish operational commands to conduct counter-terrorist operations. The Decree provides for the creation of a 300-person service unit within the Federal Security Service and subordinates all military, emergency, and law enforcement personnel involved in counter-terrorist operations to the Federal Security Service. (ROSSIISKAIA GAZETA (Russian Government daily newspaper), Feb. 17, 2006, <http://www.rg.ru/2006/02/21/dolzhnostj-kandidatura-dok.html>.)
(Peter Roudik, 7-9861, prou@loc.gov)

RUSSIAN FEDERATION – Return of Cultural Property

On February 7, 2006, Russian President Vladimir Putin signed a federal law on the return of the Sarospatak Library, a unique collection of fifteenth-century Hungarian books transferred by the Soviet Occupation Administration from Hungary after the end of World War II. This law implements provisions of a more general Act on Cultural Treasures Transferred to the USSR as a Result of World War II. The new law overruled the decision of the expert council at the Russian Ministry of Culture, which qualified 134 volumes from this collection as “cultural treasures having unique character and historical and scientific importance” and did not recommend their return to original owners because of the books’ value.

In adopting the law, the Russian legislature emphasized that the return can occur because these books were the property of a religious organization, were used only for religious purposes, and did not serve the interests of militarism or Nazism. Hungary has been requesting these books since 2002, when their location in a rural Nizhnii Novgorod library was disclosed. The Hungarian side made electronic copies of all the books, which were given to the Russian library. It appears that this decision was made because of the upcoming visit by President Putin to Hungary. Specialists believe that this law and the reasons behind its adoption can be used as a precedent for return of the highly disputed Shneerson collection to the United States. (*Russia to Return Valuable Books to Hungary*, ITAR-TASS NEWSLINE, Feb. 8, 2006, FBIS No. CEP20060208950022.)
(Peter Roudik, 7-9861, prou@loc.gov)



SLOVAKIA – Slovaks Abroad Allowed to Vote

On February 17, 2000, the Slovak legislature adopted amendments to this nation's election law that would allow ethnic Slovaks living in the Czech Republic to participate in national elections. The absentee voting option had been sought for a long time by the Slovak expatriate community and supported by liberal legislators, but it is only now that a new law enables it. Under a new amendment, passed together with the legislators' decision to conduct early national elections in June 2006 because of the breakup of the government coalition, individuals with dual (Slovak and Czech) citizenship, Slovak students, and workers having employment in the Czech Republic will be able to vote in person at polling stations organized by the Slovak Embassy or by absentee ballot. According to a 2001 census, there are about 200,000 individuals identifying themselves as ethnic Slovaks in the ten-million-person Czech Republic. The Slovak Government announced that it would conduct an advertising campaign in the Czech media aimed at educating newly eligible voters about their voting rights. (*Slovaks Living in Czech Rep Will Be Able to Vote for First Time*, CTK (Czech Press Agency) – DAILY NEWS, Feb. 19, 2006, http://site.securities.com/doc.html?pc=CZ&doc_id=97576425&auto=1&query=law&db=en_1y_d&hlc=cs&range=365&sort_by=Date.)

(Peter Roudik, 7-9861, prou@loc.gov)

SWEDEN – Armed Forces' Support in Event of Terrorist Attack

A government bill published on February 23, 2006, proposes that the Swedish police be able to request support from the Swedish Armed Forces in the event of a terrorist attack. According to the proposals in the bill, the police could request assistance from the Armed Forces if they do not have the special resources needed to prevent or intervene in such an attack. The assistance provided by the Armed Forces must always be under the command of the police, and Armed Forces personnel may use force against individuals. The support, according to the proposed legislation, could only be given with the approval of the government. (*Försvarmaktens stöd till polisen vid terrorismbekämpning*, Feb. 23, 2006, available at <http://www.regeringen.se/sb/d/5920/a/59022>.)

(Linda Forslund, 7-9856, lifo@loc.gov)

SWEDEN – Implementation of EU Directive on Financing of Terrorism

On February 9, 2006, the Swedish Government decided to appoint a special investigator to review what measures need to be taken to further combat money laundering and financing of terrorism. The investigator's main task is to analyze what amendments need to be made to Swedish legislation in order to implement Directive 2005/60/EC of the European Parliament and of the Council of October 26, 2005, on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing. The investigator will present his report at the latest on December 29, 2006. (*Penningtvätt och Terrorismfinansiering*, Feb. 9, 2006, available at <http://www.regeringen.se/sb/d/108/a/57993>.)

(Linda Forslund, 7-9856, lifo@loc.gov)



UNITED KINGDOM – Abu Hamza al-Masri Convicted of Soliciting Murder, Incitement to Racial Hatred

The controversial and outspoken Abu Hamza al-Masri, a radical, extremist Muslim cleric whom the United States has accused of recruiting al Qaeda terrorists and is seeking to extradite for terrorism-related matters, has been convicted in the United Kingdom of soliciting murder and incitement to racial hatred. Hamza al-Masri had fifteen charges brought against him, was found guilty of eleven of these charges, and was sentenced to seven years of imprisonment. The charges against him included nine charges of soliciting murder; four charges of “threatening, abusive or insulting words or behaviour with the intention of stirring up racial hatred;” and one charge of possessing the *Encyclopedia of Afghani Jihad*, which contains information “of a kind likely to be useful to a person committing or preparing an act of terrorism.” The prosecution recently told the court that Hamza al-Masri preached “intolerance, bigotry and hatred.”

The Government of the United Kingdom has continually sought to deport Hamza al-Masri and remove his British citizenship, with little luck so far. Hamza al-Masri will be eligible for extradition to the United States once he has completed his sentence in the United Kingdom. (*Abu Hamza Jailed for Seven Years*, BBC NEWS, Feb. 7, 2006, <http://news.bbc.co.uk/1/hi/uk/4690224.stm>; *Hamza Urged Followers to Murder*, BBC NEWS, Jan. 11, 2006, http://news.bbc.co.uk/2/hi/uk_news/4602054.stm.) (Clare Feikert, 7-5262, cfei@loc.gov)

UNITED KINGDOM – Member of Parliament Wins Libel Damages Appeal

A controversial British Member of Parliament, George Galloway, has won an appeal that grants him damages that were awarded to him in a successful libel case against the newspaper *The Daily Telegraph*. *The Daily Telegraph* accused Galloway, a vociferous opponent of the sanctions against Iraq and the war in Iraq, of receiving money from the Saddam Hussein regime related to the “oil for food” program. The court had rejected the newspaper’s defense of privilege in this case, stating that it had adopted and embellished allegations in the documents concerned and then published its own conclusions.

While the courts have ruled that Galloway is entitled to receive £150,000 (about US\$262,000) in damages from *The Daily Telegraph*, the paper reports that the courts never challenged the authenticity of the documents. *The Daily Telegraph* has stated that it is considering appealing further to the House of Lords. (*Galloway Wins Libel Award Battle*, BBC NEWS, Jan. 25, 2006; Caroline Davis, *UK Daily Telegraph Loses Galloway Oil-for-Food Libel Damages Appeal*, DAILY TELEGRAPH, Jan. 26, 2006, <http://www.portal.telegraph.co.uk/news/main.jhtml;jsessionid=H5KQBL31A525JQFIQMFSFFWAVCBQ0IV0?xml=/news/2006/01/26/ngall226.xml>.) (Clare Feikert, 7-5262, cfei@loc.gov)



NEAR EAST

BAHRAIN – One Year of Imprisonment for Airport Confrontation

The Criminal Court in Bahrain sentenced four of the defendants in what has become known as the "airport disturbances" case to one year in prison and declared the innocence of three others. The disturbances occurred last December at the Bahrain International Airport between the security forces and a group of protesters who objected to the arrest of a religious Shia'a leader, Sheikh Mohammed Sanad, detained while returning from the city of Qom in Iran. His arrest was the result of statements he made that authorities considered injurious to the Bahraini leadership. (*One Year of Imprisonment for Those Accused of Airport Confrontation* [summary title], ASHARQ ALAWSAT, Feb. 16, 2006, <http://www.asharqalawsat.com/>.)
(Issam Saliba, 7-9840, isal@loc.gov)

EGYPT – Four Judges Under Investigation

The Egyptian Supreme Judicial Council gave permission to the prosecution to initiate investigation of four judges who are deputy-presidents of the Cassation Court. They are accused of having degraded the image of the judiciary by making press declaration accusing colleagues of having been involved in the rigging of the election. Sources within the judiciary described the event as the most dangerous in the standoff between the Supreme Judicial Council and the Judges Association. (*Four Judges Under Investigation* [summary title], ASHARQ ALAWSAT, Feb. 16, 2006, <http://www.asharqalawsat.com/>.)
(Issam Saliba, 7-9840, isal@loc.gov)

IRAN – Amending of Laws to Speed Trials

It was reported in June 2005 that the Iranian judiciary had established a special committee to amend procedural laws, with the purpose of shortening the length of trials. Following the Islamic revolution of 1979 in Iran, a number of chambers, known as Discernment Chambers, were established at the Supreme Court for the purpose of determining whether decisions of the lower courts are incompatible or grossly inconsistent with the established principles of the Islamic law. In the course of time, the number of complaints arising from the decisions of the lower courts dramatically increased and naturally resulted in longer trials.

According to the proposed amendments to the laws, a lower court ruling may only be objected to if the substance of a decision is flagrantly inconsistent with a principle of the Islamic law. Appeals may not be accepted if they are lodged on the grounds that some procedural matters and forms have not been observed. For example, if an appeal is made from a decision of a lower court alleging that one of the indisputable and established principles of the Islamic law has been violated, only then will the Discernment Chambers have jurisdiction. Thus, the number of cases to be decided by the Discernment Chambers would be reduced and speedier trials might thereby be achieved. (*Amending of Laws to Speed Trials*, HAMSHAHRI, June 24, 2005, at 7.)
(G.H. Vafai, 7-9845, gvaf@loc.gov)



IRAN – Dispute Resolution Council

In accordance with article 189 of the Third Economic, Social and Cultural Plan of the Islamic Republic of Iran and with the purpose of reducing the number of applicants to the judiciary, Dispute Resolution Councils (DRC) will be established in rural and urban areas. The head of the local judiciary and the governor of the area, with the advice of the local Islamic Council, will decide the necessity of establishing a local DRC.

A DRC will be composed of three members: the chairman, to be appointed by the judiciary; one member to be appointed by the city or village council; and one member to be appointed by the head of the local judiciary and by the leader of Friday prayers, for a term of three years. Members of the DRC must have the following qualifications: citizenship of the Islamic Republic of Iran; a minimum of thirty-five years of age; legal qualifications and no criminal record; no addiction to drugs; a good reputation; literacy; and familiarity with Islamic jurisprudence and statutes. A Dispute Resolution Council has the following jurisdiction in civil matters:

- Negotiations with the purpose of reconciliation in all civil cases and those criminal cases that are terminated by the pardon of the aggrieved party (*remissio injuriae*);
- All cases related to movable property, indebtedness, and interests and loss as a result of a crime, not exceeding ten million *rials* (about US\$1,0965);
- Cases related to dispossession of real estate and evacuation of residential property where the ownership is not in dispute;
- Financial claims up to any amount in the case of a mutual agreement.

In criminal matters, a council has jurisdiction:

- To see that evidence is preserved and the accused kept under custody by reporting the case to the nearest judicial authority;
- To try cases that do not involve a fine of more than five million *rials* (about US\$548);
- To try criminal cases that do not carry a punishment of more than ninety-one days of imprisonment or cases of driving violations.

(OFFICIAL GAZETTE OF THE ISLAMIC REPUBLIC OF IRAN 684-690 (July 2002).)

(G.H. Vafai, 7-9845, gvaf@loc.gov)

IRAN – Law on Facilitating Marriage of Youths

Under article 1 of Iran’s Law on Facilitating Marriage of Youths issued in November 2005, the government is obligated to set up a Saving Fund for the Marriage of Youths. The constitution of the Fund will be prepared by the government and presented to the Islamic House of Representatives. The government must provide loans for advance payment toward purchases of houses for married couples who are in need of housing. Under article 3 of the Law, the government must mobilize all government facilities, start construction of houses on government dedicated lands, and rent them at reasonable rates to young couples as “temporary residences” for a term not to exceed three years. All public organizations and municipalities having party rooms and similar facilities must provide such places for wedding celebrations for young couples (art. 4).



Unemployed young couples and those who have no source of income are entitled to receive loans for a maximum period of two years. The Marriage Facilitation Committee will set the maximum amount of the loans. Article 5 provides that in order to encouraging marriage and discouraging costly traditions, the government must launch an all-out campaign with the following objectives:

- To discourage traditions that are considered to be impediments to marriage of youths in the country;
- To encourage married youths and their families to conduct marriage celebrations in groups and thereby reduce the traditional marriage expenses;
- To open a general discussion, via state-run radio programs, television, and textbooks, about the advantages of simple marriage ceremonies;
- To establish Marriage Facilitating Committees in all the capital cities, composed of the governor, the leader of Friday prayer, and the chairman of the city council;
- To provide facilities for married soldiers, including offering them the choice of their place of service and financial support that is twice as much as that of unmarried soldiers (to be done by the Ministry of Defense and Armed Forces);
- To provide comprehensive advisory training before and during the marriage on how to create a peaceful and compatible marriage and family environment;
- To prepare facilities for newly married couples to obtain employment.

(OFFICIAL GAZETTE OF THE ISLAMIC REPUBLIC OF IRAN 1-3 (Dec. 2005).)

(G.H. Vafai, 7-9845, gvaf@loc.gov)

IRAN – More Female Judges

Before the Islamic Revolution in Iran, there were a large number of female judges who tried cases just as the male judges did. But after the Islamic Revolution, the female judges were dismissed and it was argued that Islamic jurisprudence does not allow a woman to become a judge and issue a ruling after a trial. In February 1992, an amendment to the Law on the Formation of Special Civil Courts allowed special civil courts with jurisdiction in divorce cases to employ qualified female judges (if necessary) as advisors. Employment of female judges in the special civil courts, however, was not a requirement, and the judge of the court could use the advisory service of a female judge if he found it necessary.

An amendment to the Law in January 2006 made it a requirement to have a female judge present in the family courts. According to the amendment, female judges must express their opinion along with the opinion of the male judge. In case of a disagreement, the opinion of the female judge must be included in the court decision. The new Law provides that there must be a female judge in the appeals court, which is composed of three judges. (HAMSHAHRI DAILY NEWSPAPER, Jan. 30, 2006, at 5, available at <http://www.hamshahri.org/hamnews/1384/841110/news/iran.htm>.)

(G.H. Vafai, 7-9845, gvaf@loc.gov)



IRAQ – Women in Kurdistan Claim Equal Rights

A group of Kurdish women who are active in the field of women's rights submitted a request to the Constitutional Committee of the Kurdistan Parliament seeking women's equality in civil, political, and economic rights. They further asked for protection of motherhood and childhood and the abolition of all restrictions impeding the enjoyment of such rights. (*Women in Kurdistan Claim Equal Rights* [summary title], ASHARQ ALAWSAT, Feb. 15, 2006, <http://www.asharqalawsat.com/>.) (Issam Saliba, 7-9840, isal@loc.gov)

ISRAEL – Rejection of Petition to Cancel Extradition

On February 13, 2006, the Supreme Court of Israel, sitting as a High Court of Justice, rejected a petition by the Israel Law Center against the Minister of Justice and Zeev Rozenstein to cancel the Minister's declaration of Rozenstein as extraditable to the United States. According to the petitioner, Rozenstein's extradition subjects him to the danger of serious bodily harm, because Jewish prisoners in U.S. jails face abuse by both wardens and other prisoners. The petition claims to focus on protecting any Jew from extradition to the United States. The petitioner argues it has standing as an association dealing with human rights.

While rejecting the petition, the Court held that Rozenstein had had the opportunity to raise his arguments against his extradition. His claims were evaluated and rejected. He also refrained from appealing the Minister's decision to extradite him. Regarding the petitioner's objective not to extradite any Jew to the United States, the Court held that such a sweeping decision might transform Israel into a shelter for Jewish offenders that the United States wants to extradite and that the decision would harm Israel's relationship with the United States. In addition, the Court will block extradition only if there is specific, reliable, and outstanding evidence indicating that the extradition will result in delivering a requested person to murderers who have no intention of conducting a proper judicial process. The circumstances of this case do not indicate such a suspicion. (H.C. 1175/06 Israel Law Center v. Minister of Justice and Zeev Rozenstein, Nevo website, <http://www.nevo.co.il/> (last visited Feb. 21, 2006).) (Ruth Levush, 7-9847, rlev@loc.gov)

ISRAEL – Sport Driving Law

On December 14, 2005, the Knesset (Israel's Parliament) passed a law regulating driving in competitive vehicles during competitions or other sports activities, including practice, placement in a competition, experiments, or instruction. The law requires licensing for both competitive vehicles and drivers of such vehicles, as well as instructors for sport driving. In addition, the law requires a license for a person who operates or manages, by himself or through another, any route or area set aside either permanently or temporarily for the purpose of sport driving. The law provides for enforcement measures and penalties for violators. (Sport Driving Law, 5766-2005, the Knesset website, <http://www.knesset.gov.il/> (last visited Feb. 21, 2006).) (Ruth Levush, 7-9847, rlev@loc.gov)



SAUDI ARABIA – Establishment of Special Intellectual Property Protection Committee

The Riyadh Region Emir (Governor), Prince Salman bin Abdul Aziz, formed a special committee to follow up on intellectual property cases. The special committee will include one representative each from the Governor's office and the Ministry of Commerce and Industry, in addition to representatives of copyright owners. Eric Smith, President of the International Intellectual Property Association, who was visiting Saudi Arabia, commended the Governor for this move, stating that such a step will show that the Saudi Government abides by intellectual property protection and will set an example for the private sector to follow in avoiding the use of any pirated material. (*A Special Intellectual Property Protection Committee Established in KSA*, AL-YAUM DAILY, Jan. 28, 2006, <http://www.alyaum.com/issue/index.php?IN=11915>.)

(Dr. Abdullah F. Ansary, 7-6303, aans@loc.gov)

SAUDI ARABIA – GCC Unified Industrial Law Passed

On February 13, 2006, the Saudi al-Shura (Consultative) Council passed the Gulf Cooperation Council (GCC) Unified Industrial Law. The thirty-three-article legislation is aimed at increasing the volume of investment in the industrial sector of the country's gross domestic product (GDP). The Law will encourage the creation of business enterprises among GCC investors and the exploitation of local natural resources such as oil-related industries. The Law prescribes under article 16 that priority in securing privileges and exemptions will be accorded to industrial projects that produce export or local consumption commodities that replace or compete with foreign commodities. By virtue of articles 17 and 18, several exemptions and privileges may be granted to industrial projects, such as partial or total exemption from customs tariffs, partial or total exemption from all taxes, and exemption of project imports from export taxes and fees. (*Privileges and Exemptions for Environment Protection and GCC Industrial Integration Projects*, OKAZ DAILY, Feb.13, 2006, <http://www.okaz.com.sa/Okaz/Main.asp>.)

(Dr. Abdullah F. Ansary, 7-6303, aans@loc.gov)

SAUDI ARABIA – New Hajj Law Passed

On January 23 2006, the Saudi Council of Ministers approved a new Hajj law that bans non-Saudis from dealing in matters relating to Hajj and Umrah pilgrims' accommodations. The Crown Prince, Sultan Bin Abdul Aziz, who chaired the Council session, endorsed the new law.

The new law prevents non-Saudis from renting any building that is for pilgrims' or visiting performers' accommodations. Those who violate this law will be subject to fines. Some fifty-three pilgrims were killed and sixty-four injured when an unlicensed four-story building collapsed in Makkah in early January 2006, just before the start of Hajj season. (*Law Bans Non-Saudis from Renting Any Building for the Pilgrims*, AL-RIYAD, Jan. 24, 2006, <http://www.alriyadh.com/2006/01/24/article125194.html>; *New Haj Law Endorsed*, THE SAUDI GAZETTE, Issue No. 1526, Jan 24, 2006, http://www.saudigazette.com.sa/SGazetteArchive/Data/2006/1/24/section_0.xml.)

(Dr. Abdullah F. Ansary, 7-6303, aans@loc.gov)



SAUDI ARABIA – New Traffic Law Before the Two Saudi Councils

The Saudi al-Shura (Consultative) Council and the Saudi Council of Ministers are expected to approve a new Saudi Traffic Law. Article 35 of the Law defines the minimum age for each category of motorists as eighteen for private driving licenses and motorbike licenses and twenty for general driving licenses. Non-Saudis must have a valid residence permit in order to obtain a license. Article 41 stipulates that the validity of a recognized international and foreign driving license is one year, effective from the date its holder entered the Kingdom. Article 59 classifies accidents into two categories, minor and major. Article 60 stipulates that motorists will be held responsible for traffic accidents if they result from negligence, recklessness, or non-abidance by the traffic rules. Articles 61 and 62 stipulate that a motorist involved in a traffic accident may be detained for up to seventy-two hours. The court can extend this detention period. A motorist who causes injuries to others due to speeding or passing will be sentenced to one year in prison and a fine of not more than SR10,000 (US\$2,666) or both, depending on the gravity of the accident. Article 71 stipulates that whoever is found guilty of mortgaging his driving license will be fined from SR300 (US\$80) to SR900 (US\$240). (*New Traffic Law Awaits Approval*, THE SAUDI GAZETTE, Issue No. 1551, Feb. 18, 2006, http://www.saudigazette.com.sa/SGazetteArchive/Data/2006/2/18/section_0.xml.) (Dr. Abdullah F. Ansary, 7-6303, aans@loc.gov)

YEMEN – Monetary Reward for Capture of Escapees

Yemen has announced a monetary reward of five million Yemeni *riyals* (about US\$25,000) for information leading to the recapture of individuals identified as al Qaeda members who escaped from the political security prison in Sana'a. The reward is applicable to each of the escapees. The security forces have conducted a rigorous campaign in all the districts of the country, distributing photos and full information about the escapees. (*Yemen Offers Monetary Reward for Capture of Escapees* [summary title], ASHARQ ALAWSAT, Feb. 15, 2006, <http://www.asharqalawsat.com/>.) (Issam Saliba, 7-9840, isal@loc.gov)

SOUTH ASIA

BANGLADESH – Asbestos-Lined Ship Barred

Bangladesh's Environment Minister has banned a French ocean liner, the SS Norway, from being demolished at a Bangladeshi ship-breaking yard. The ship is reputed to be lined with 1,250 tons of asbestos-laden material, and the Minister, Tariqul Islam, said that Bangladesh's navy and coastguard had been ordered to keep the ship out of national waters because it could "trigger [an] environmental and health disaster if dismantled here." The ship has been anchored for months off the Malaysian coast, and a Bangladeshi scrap merchant said that he had bought it from an Indian buyer for US\$12 million. (*Dhaka Bans 'Toxic' French Liner*, BBC NEWS, Feb. 16, 2006, http://news.bbc.co.uk/go/pr/fr/-/hi/south_asia/4720918.stm.) (Donald R. DeGlopper, 7-9831, ddeg@loc.gov)



BANGLADESH – Telecommunications Act Amended to Control Mobile Phones

On January 30, 2006, the Cabinet approved the Bangladesh Telecommunications (Amendment) Act, 2006, providing for controls on the use of mobile phones as a measure to fight crime. The move was seen as a response to recent violence, including a series of bombings. The amendment complements a Presidential Ordinance issued in December 2005 that permits the tapping of mobile phones to prevent their use in planning criminal activity. The Government of Bangladesh considered the ordinance to be incomplete because it lacked provisions on punishment for offenses, and thus the amendment of the telecommunications law was considered necessary. (*Tele-Tap Law Amendment Gets Cabinet Nod*, NEWS FROM BANGLADESH, Feb. 1, 2006, <http://www.bangladesh-web.com/view.php?hidDate=2006-02-01&hidType=TOP&hidRecord=0000000000000000086840>.)

(Constance A. Johnson, 7-9829, cojo@loc.gov)

INDIA – Compulsory Registration of Marriages

On February 14, 2006, the Supreme Court of India, in a landmark judgment, directed the Union of India and the states to issue within three months regulations for enforcement of compulsory registration of marriages, regardless of the religion of the parties involved. The regulations must be published within a month, inviting public opinion concerning them.

The ruling came as a major relief to women fighting for maintenance after the dissolution of marriage. The Court observed that the rules relating to registration must clearly set forth the legal implications of failure to register a marriage and of fraudulent declarations made by any couple or any party concerned. In framing the rules, the central and state governments must make provision in the law itself for appointing nodal officers for registration of a marriage. Before issuing the verdict, the Court took into consideration views of the National Commission for Women (NCW) that supported a compulsory registration provision. The Court found that, in cases relating to matrimonial disputes, absent a requirement for mandatory registration of marriages, the laws tended to give advantage to husbands who deny the marriage. (*Marriages Must Be Registered: SC Directive to Centre, States*, THE TRIBUNE, Feb. 15, 2006, <http://www.tribuneindia.com/2006/20060215/main1.htm>.)

(Krishan Nehra, 7-7103, kneh@loc.gov)

INDIA – New Phone Tapping Rules

The Telegraph Act 1885 allows the Indian Government to intercept telecommunication messages. However, it was reported on February 9, 2006, following the allegation by a political leader of phone tapping by the police, that the Government, addressing the need to stop illegal snooping without tying security agencies' hands, has set guidelines on phone tapping and e-mail interception applicable to all providers of telecom services.

The guidelines require that only an authorized nodal officer of the police or intelligence agency may issue an order for phone tapping. The nodal officer of the service provider must acknowledge receipt of the order within two hours. All the nodal officers must meet biweekly to crosscheck and confirm every requisition made. The service provider must act on an emergency request from an intelligence agency even if the request is not originally authorized, but the nodal officer of the requesting agency must approve the order within three days. The call data record (CDR) will be issued only after registration of a criminal case.



A police officer without roaming facility who intends to tap a telephone outside his state will need the permission of the Union Home Secretary or the state's home secretary to carry out the surveillance. However, only a Superintendent of Police or higher-level official may attest the signature of the Home Secretary.

The service providers will be responsible for the actions of their staff and must also ensure that senior officers handle requests for interception. The companies will be responsible for verifying the identity of their customers to avoid misuse of services by terrorists. (*Government Tightens Phone-Tapping Norms*, THE HINDU, Feb. 9, 2006, <http://www.hindu.com/2006/02/09/stories/2006020913400100.htm>; *India Sets Rules for Phone Tapping, Email Interception To 'Stop Illegal Snooping,'* THE TELEGRAPH, Feb. 9, 2006, FBIS No. SAP20060209378008.)
(Krishan Nehra, 7-7103, kneh@loc.gov)

MALDIVES – New Judicial Reforms

In order to improve the functioning of the judiciary, on February 4, 2006, the Maldives Minister of Justice informed the media of amended regulations and two newly formulated regulations designed to gain public confidence and allow easy access to the judiciary. From February 15, 2006, when the regulations took effect, the courts have the authority to proceed with hearings and give verdicts in the absence of the defendants in both civil and criminal cases and even to order the sale of property for enforcement of a court decree.

Now the courts may issue subpoenas for attendance in court and the court may proceed in absentia if the person fails to respond or answer the subpoena. If a defendant is abroad, he will be served notice through the embassy. This will help deal with unpaid debts, other than mortgage debts, and the courts will be empowered to order the house arrest of a debtor or that a debtor be placed in jail or his property be attached and sold. If the defendant sold his property within six months of the proceeding, the court may invalidate the transaction. The court may also seize his bank account or passport. (*Maldives Plans New Rules on In-Absentia Cases*, MALE HAVEERU DAILY, Feb. 6, 2006, FBIS No. SAP20060207950016.)
(Krishan Nehra, 7-7103, kneh@loc.gov)

NEPAL – Fee Increase Threatens Broadcast Independence

The Government of Nepal has drafted a broadcasting authority ordinance whose provisions would increase the FM radio licensing fee by twenty to forty times, according to a news report issued on January 14, 2006. The measure would entail an automatic increase in the annual license renewal fee as well, because the latter is the sum of the license fee plus ten percent. Radio broadcasters have condemned the proposed ordinance as being “intended to curb independent radios”; the increased fee, in their view, will curtail the spread of FM radio in Nepal. The independents are reportedly already suffering from an economic crisis following a blockade of advertising and frequent bans on news adopted as policy by the new post-February 1, 2005, royal government. (*Nepal: Proposed Licence Increase Will “Curb Independent Radio,”* EKANDIPUR.COM, Jan. 14, 2006, FBIS No. SAP20060114950021.)
(Wendy Zeldin, 7-9832, wzeld@loc.gov)



PAKISTAN – Amputation of Limbs for Robbery

On January 26, 2006, the Additional District and Sessions Judge of Peshawar, in Balochistan Province, Pakistan, convicted defendant Ajab Khan under section 412 of the Pakistan Penal Code and sentenced him to undergo imprisonment for five years and fined him 30,000 Pakistani rupees (about US\$5,000) for the offense of robbery. In default of payment of the fine, the defendant was ordered to undergo a further imprisonment of six months.

The defendant, who was caught while fleeing after robbing a person at a bus stop, was also convicted under 17(3) of Islamic law, the Offenses Against Property (Enforcement of Hadood) Ordinance, 1979, for which the judge pronounced the sentence of amputation of the right hand of the defendant from the wrist and of his left foot from the ankle. Criticizing the sentence under Islamic law, the defense attorney stated that the provisions of section 7(b) of the Ordinance envisage that the sentence of amputation could be awarded only if the defendant pleaded guilty to the offense charged or if two adult male witnesses, other than the victim, whom the court is satisfied are truthful persons who abstain from major sins, testified against him. (*Court Orders Amputation of Limbs*, THE DAWN, Jan. 27, 2006, <http://www.daw.com/2006/01/27/top17.htm>.)
(Krishan Nehra, 7-7103, kneh@loc.gov)

WESTERN HEMISPHERE**BAHAMAS -- Marine Mammal Protection Act**

The Bahamas has enacted a broad Marine Mammal Protection Act that applies throughout the internal waters and exclusive economic zone claimed by this country that attained its independence from the United Kingdom in 1973. (2005 BAH. LAWS, No. 12.) Environmental groups advocated the new law. It generally prohibits the importing and exporting of marine mammals and marine mammal products, as well as acts intended to kill, hunt, or harass covered species. Exceptions allow for rescue attempts, approved captive facilities, and scientific research authorized by a permit. The Act authorizes the Director of Fisheries to appoint marine mammal inspectors to enforce its provisions. Inspectors can board a vessel if they believe its operator has committed an offense. Violations of the law are punishable with imprisonment for up to two years and fines of up to Bah\$50,000 (US\$50,000). (2005 BAH. LAWS, No. 12, § 18.)
(Stephen Clarke, 7-7121, scla@loc.gov)

BRAZIL – Changes in the Federal Supreme Court

The President of Brazil, Luis Inácio Lula da Silva, elected to office in 2003, will be able to appoint six out of the eleven Justices of the Federal Supreme Court (Supremo Tribunal Federal – STF) until the end of his administration in 2006. The Brazilian Constitution grants the president the right to choose the eleven Justices who compose the highest court in Brazil from among citizens of notable juridical learning and spotless reputation, between the ages of thirty-five and sixty-five. The president appoints the Justices of the STF after their nominations have been approved by the absolute majority of the Federal Senate. President Lula da Silva has already had the opportunity to exercise his constitutional right by making four appointments to the STF: Justices Cesar Peluso, Carlos Ayres Britto, Joaquim Barbosa, and Eros Grau. A fifth selection by President Lula da Silva is underway. He has named Enrique Ricardo Lewandowski, a member of the Justice Tribunal of the State of São Paulo,



to replace recently retired Justice Carlos Velloso. The Brazilian President will have the chance to appoint a sixth member to the STF if its current president, Justice Nelson Jobim, retires in March of this year, as a rumor recently circulated in the media indicates. (Juliano Basile, *Lula Indica Desembargador do TJ Paulista Para Vaga no Supremo*, VALOR ONLINE, Feb. 7, 2006, available at <http://www.valoronline.com.br/veconomico/?show=index&mat=3524328&edicao=1283&caderno=89&news=1&cod=3e4f0bdd&s=1>.)

(Eduardo Soares, 7-3525, esoa@loc.gov)

BRAZIL – Federal Supreme Court Votes for End of Nepotism in Judiciary

The Brazilian Supreme Court issued a preliminary ruling on an action filed by the Brazilian Magistrates' Association to consider as constitutional a resolution adopted by the National Council of Justice (CNJ) on October 18, 2005, determining the end of nepotism in the judiciary. The Association had filed the direct action of constitutionality with the Supreme Court in defense of CNJ's resolution, with the objective of halting hundreds of lawsuits being filed all over the country against the embattled measure.

The decision has an immediate effect as it compels tribunals to fire employees who have family ties with judges and those who have been appointed without passing an entry exam. A second immediate consequence is that the decision overthrows hundreds of preliminary rulings issued by different tribunals ensuring the permanence of these employees in the judiciary. The President of the CNJ, Justice Nelson Jobim, was quoted as saying that the council will take measures to ensure that the resolution is enforced and that may include taking legal action against tribunals that disrespect the ruling.

Following the Supreme Court's decision, the president of the House of Chambers, Mr. Aldo Rebelo, announced that he intends to submit to the plenary of the House by the end of March a constitutional amendment proposal forbidding the employment of family members in the legislative, executive, and judicial branches of the government. (Fernando Teixeira, *Por Nove Votos a Um, Supremo Dá Fim ao Nepotismo na Justiça*, VALOR ONLINE, Feb. 17, 2006, available at <http://www.valoronline.com.br/veconomico/?show=index&mat=3544717&edicao=1291&caderno=197&news=1&cod=13d9fde6&s=1>; Isabel Braga, *PEC que Proíbe Nepotismo em Todo o Serviço Público Deve ir a Plenário em Março*, O GLOBO, Feb. 17, 2006, available at <http://oglobo.globo.com/online/pais/mat/2006/02/17/191888413.asp>.)

(Eduardo Soares, 7-3525, esoa@loc.gov)

BRAZIL – Labor Disputes Filed over the Internet

As of February 2006, labor disputes in the State of Tocantins and the Federal District of Brazil can be filed over the Internet. With the new on-line recourse, an attorney will immediately know which labor court will judge the dispute being filed and will no longer need to wait at least twenty-four hours to obtain that information.

The waiting period had been justified by the fact that all the relevant information contained in a labor dispute had to be manually entered into the system by an employee of the Brasilia Section of Distribution of Acts before it could be distributed to one of the region's labor courts. Once the new system is in place, the attorney will be able to enter this information online and receive an identification



number. With this number in hand, the attorney can then proceed to the section of distribution and find out the labor court that will judge the dispute. Attorneys can still opt to use the old (manual) system, if they so prefer.

Attorneys have long anticipated having an online filing option. According to the acting director of the Federal District Forum, Judge Elke Doris Just, it will expedite the service provided to attorneys and demonstrates the Forum's interest in making the tribunal more efficient. (*Advogados Vão Cadastrar Petição Inicial Pela Internet*, TRT 10ª Região, Jan. 23, 2006, available at <http://www.trt10.gov.br/?modulo=/ascom/index.php&ponteiro=9496>.) (Eduardo Soares, 7-3525, esoa@loc.gov)

BRAZIL – Nine-Year Basic Education

Brazil now has a nine-year mandatory basic education period, starting when a child reaches six years of age. The new law (Law No. 11,274), promulgated on February 6, 2006, incorporates the pre-school period into the fundamental education curriculum. In the past, every seven-year-old child was enrolled directly in the first grade, imposing a great disadvantage especially on poor children, as they had skipped pre-school and their ability to follow classes was seriously impaired when compared to those who attended pre-school.

The Brazilian President was quoted as saying that the extension of the basic education period will grant equal opportunity to all Brazilian children and benefit millions of poor children by giving them the right to prepare themselves for basic education. According to the Minister of Education, Fernando Haddad, in addition to better preparing the children, this measure may help diminish their rate of failure in the school system. Schools will have until the year 2010 to adapt to the new legislation. Pursuant to the last school census, however, close to twenty percent of the Brazilian municipalities already have a nine-year basic education system in place. (*Ampliação do Ensino Fundamental Alfabetiza Mais Crianças e Diminui Repetências*, Diz MEC, O GLOBO, Feb. 6, 2006, available at <http://oglobo.globo.com/online/educacao/mat/2006/02/06/191587410.asp>.) (Eduardo Soares, 7-3525, esoa@loc.gov)

BRAZIL – Violence Against Children

The Legislative Assembly of the Brazilian State of São Paulo rejected a governor's veto and on January 24, 2006, promulgated a law that compels public and private health services to notify the police of cases involving violence against children and adolescents (Law No. 12,238). The Law characterizes as violence the action or omission of an agent that results in death, bodily injury, or physical, sexual, or psychological suffering to children and adolescents. In addition, the Law specifies that the notification must be done in a proper form by a competent professional and in a confidential manner, preventing consultation and extraction of copies or information by third parties.

Moreover, in an effort to fight violence against children, the Commission of Constitution and Justice of the National Congress approved a proposal that forbids any type of physical punishment of a child or adolescent, including slaps, ear pulling, or pinches. According to the proposal, this type of physical punishment will subject parents, teachers, and guardians to the provisions of the Child and Adolescent Statute, which requires the offender to be directed to an official or communitarian family protection program, psychological or psychiatric treatment, and courses or orientation programs. The



project will now be forwarded to the Federal Senate for approval. (Agência de Notícias ALESP, *Assembléia Rejeita Vetos e Promulga Quatro Leis*, Jan. 24, 2006, available at http://www.al.sp.gov.br/portal/site/alesp/menuitem.e213952e44a724ea0df76bcef20041ca?javax.portlet.tpst=7681ee877daef6fad5fd79e3f20041ca_ws_MX&javax.portlet.prp_7681ee877daef6fad5fd79e3f20041ca_viewID=DetalheNoticia&javax.portlet.begCacheTok=token&javax.portlet.endCacheTok=token&cod=2a5f40688d8f8010VgnVCM1000002e0014acRCRD; *Câmara Aprova Proibição de Castigo Físico em Crianças*, O GLOBO, Jan. 25, 2006, available at <http://oglobo.globo.com/online/pais/mat/2006/01/25/190063531.asp>.)

(Eduardo Soares, 7-3525, esoa@loc.gov)

CANADA – First Nations May Regulate Oil, Gas Exploration

Parliament has enacted a First Nations Oil and Gas Money Management Act to provide Canada's first nations with the option of managing oil and gas exploration and exploitation and of receiving moneys that would otherwise be held for them by the Federal Government. (2005, S.C. c. 48.) In Canada, the reserved lands of Native Americans fall under federal jurisdiction, and prior to the enactment of this statute, all of the responsibilities addressed were assigned to the Minister of Indian Affairs and Northern Development.

The White Bear, Blood, and Siksika first nations all have treaties with the Federal Government. While these groups have been co-managing their resources, they have wanted to assume full responsibilities. The new law gives these three groups this option and extends that right to other recognized first nations that have the same ambitions for control over their own lands. Although they will now have managerial and financial control, the first nations will still have to comply with federal oil and gas laws of general application. The law establishes standards for exploration, development, and production licenses.

(Stephen Clarke, 7-7121, scla@loc.gov)

CANADA – Supreme Court Nominees to Face Parliament

In Canada, judges are appointed to the Supreme Court by the Governor General acting on the advice of the Prime Minister. Parliamentary approval is not required and, traditionally, the nominations were highly secretive. (Supreme Court Act, R.S.C. c. S-26, s. 4 (1985).) This situation began to change under the recently defeated Liberal Government. The former Minister of Justice created a process in which the input of the bar and other groups was solicited, appointed committees considered potential nominees, and the Minister of Justice appeared before Parliament to explain why a nominee was chosen.

The new Prime Minister of Canada, Stephen Harper, has announced that his Conservative Government will take this process one step further by having nominees appear before a parliamentary committee to answer questions. This committee will not have the power to defeat a nomination, but critics have contended that Harper's initiative would result in the "Americanization" of the Supreme Court nomination process. The Prime Minister has indicated that the appointed committee will have the responsibility of determining which topics should be pursued in their questioning and that he hoped it would not "degenerate into partisanship." (Sean Gordon, *MPs to Vet Selection of Judge to Top Court*, TORONTO STAR, Feb. 21, 2006, at A1.)

(Stephen Clarke, 7-7121, scla@loc.gov)



MEXICO – Ban on Imports of Beef Residues

For a second consecutive year, American cattle owners will not be able to sell their beef residues, such as tripe, bone marrow, brain, lymph nodes, and even ground meat, to Mexico. The Mexican Secretariats of Agriculture and Health refused to allow the entrance of these American products, which have been banned since 2003 due to the cases of mad cow disease that occurred in the United States and Canada. On January 31, 2006, the Mexican Government opened the country's borders to imports of beef with bone in, as long as the meat was from animals that are under thirty months of age, and the Americans were hoping that this permission would allow the imports of residues as well.

Rocío Alatorre, an officer of the Secretariat of Health, explained that all animal parts that are connected with the brain are banned; that ground meat is banned because it is difficult to track; and that, on the other hand, with respect to livestock that are less than thirty months, it is possible to learn what they ate, where they grew up, and what kind of contacts they had. He recommended that the restriction be maintained for five or six years. (*Cierra México Puerta a Desechos de Carne*, REFORMA, Feb. 7, 2006, <http://www.reforma.com>.)
(Norma C. Gutiérrez, 7-4314, ngut@loc.gov)

MEXICO – Chamber of Deputies Opposes U.S. Immunity Treaty

The Mexican Chamber of Deputies, in plenary session, approved a motion drafted by the Committee on Foreign Relations to persuade the Executive Branch to maintain its position of not accepting a proposal from the United States to sign a bilateral agreement guaranteeing American troops, officers, or military personnel accused of genocide, crimes against the humanity, and war crimes an exemption from prosecution before the International Criminal Court. The approved text mentions that the U.S. administration started to lobby to encourage several nations of the world to sign and ratify such an agreement and that in Mexico, Washington formalized the request with “a threat to suspend all military aid to the country.”

The motion states that the agreements related to article 98 of the Statute of Rome – as the U.S.-proposed agreements are known – or those granting immunity constitute an interpretation that is contrary to what is stipulated in the Statute of Rome, which does not provide for reservations to the power and jurisdiction of the International Criminal Court. The motion also recalls that the U.S. proposal has already been rejected by the European Union. (Victor Ballinas & Roberto Garduño, *Piden al Ejecutivo no Firmar Pacto de Inmunidad a EU*, LA JORNADA, Feb. 3, 2006, <http://www.jornada.unam.mx>.)
(Norma C. Gutiérrez, 7-4314, ngut@loc.gov)

MEXICO – Human Rights Commission Scraps Plan to Give Maps to Migrants

On January 25, 2006, a Mexican Government commission on human rights indicated that it would suspend plans to distribute border maps to migrants planning to cross the U.S. border illegally. In a press release, the National Human Rights Commission stated that this decision was made because human rights officials in border states expressed concern that the maps would show anti-immigrant groups where migrants were likely to gather. The National Human Rights Commission, a government-financed agency with independent powers, originally said it would distribute at least 70,000 maps



showing highways, rescue beacons, and water tanks in the Arizona desert. (Press Release No. 20, Mexico National Human Rights Commission (Jan. 25, 2006), <http://www.cndh.org.mx>; *Mexico Scraps Plan to Give Maps to Migrants*, CNN.com, available at <http://www.cnn.com/2006/WORLD/americas/01/26/border.maps.ap/index.html> (last visited Feb. 16, 2006).) (Gustavo E. Guerra, 7-7104, ggue@loc.gov)

INTERNATIONAL LAW AND ORGANIZATIONS

AFGHANISTAN/IRAN/TAJIKISTAN – Energy Agreement

On February 21, 2006, in Dushanbe, Tajikistan, the energy ministers of Afghanistan, Iran, and Tajikistan signed an agreement on cooperation in energy. One main focus of the cooperative efforts is the construction of a high voltage electric power line from Tajikistan to Iran through the territory of Afghanistan. Electric power for the line will be generated at a hydropower plant now under construction on the Vakhsh River in Tajikistan. The Iranian investment is projected to be about US\$180 million, while Tajikistan will put up about US\$40 million. Some of the imported electric power produced will be directed to Afghanistan. Tajik President Emomali Rakhmonov welcomed the agreement as a new stage of relations with Iran. (*Tajikistan, Afghanistan, Iran Sign Energy Agreement*, ITAR-TASS, Feb. 21, 2006, <http://www.tass.ru/eng/level2.html?NewsID=3386400&PageNum=0>.) (Constance A. Johnson, 7-9829, cojo@loc.gov)

ASEAN/BURMA/THAILAND – Treaty to Fight Crime, Terrorism Signed

On January 17, 2006, Burma (Myanmar) and Thailand signed the Association of Southeast Asian Nations' Treaty on Mutual Assistance in Criminal Matters. They were the last of the ten ASEAN member nations to do so. The other eight members had inked the treaty in November 2004. The permanent secretariat of the treaty is in the Malaysia Attorney General's Department, which maintains an online database containing guidelines on the legal procedures of each ASEAN member. At present only Malaysia, Singapore, and Vietnam have ratified the treaty to take effect between their respective countries: Malaysia and Singapore on June 1, 2005, and Singapore and Vietnam and Malaysia and Vietnam on October 25, 2005. The other seven ASEAN Member states have indicated that they will ratify the treaty before the end of 2006. (*Malaysia: Article Views ASEAN's Decision to Combat Regional Crimes*, BERITA HARIAN (Kuala Lumpur), Jan. 20, 2006, FBIS No. SEP20060120030006; *AFP: Burma, Thailand Sign Regional Treaty in Malaysia to Fight Crime, Terrorism*, AFP, Jan. 17, 2006, FBIS No. JPP20060117058004.) (Wendy Zeldin, 7-9832, wzel@loc.gov)

CANON LAW – Representations Offensive to Religious Sentiments

On February 4, 2006, the Holy See Press Office, through the Vatican Information Service (VIS), a news service that provides information about the Magisterium and the pastoral activities of the Holy Father and the Roman Curia, released a statement on its position regarding recent representations offensive to the religious sentiments of individuals and entire communities. The news release reads:

- A1. The right to freedom of thought and expression, sanctioned by the Declaration of the Rights of Man, cannot imply the right to offend the religious sentiments of believers. This principle applies for any religion.



2. In addition, coexistence calls for a climate of mutual respect favoring peace among men and nations. Moreover, these kinds of exasperated [sic] criticisms or derision of others manifest a lack of human sensitivity and may constitute in some cases an inadmissible provocation. A reading of history shows that wounds existing in the life of a people are not healed in this way.

3. However, it must be said immediately that the offenses caused by an individual or a member of the press cannot be imputed to the public institutions of the corresponding country, whose authorities might and should intervene eventually, according to the principles of national legislation. Therefore, violent actions of protest are equally deplorable. Reaction in the face of the offense cannot fail the true spirit of all religion. Real or verbal intolerance, no matter where it comes from, whether as action or reaction, is always a serious threat to peace.

(Press Release, Holy See (Feb. 4, 2006), VIS, http://www.vatican.va/news_services/index.htm.)
(Dario Ferreira, 7-9817, dfer@loc.gov)

CENTRAL AFRICAN REPUBLIC/SUDAN/UNITED NATIONS – Return of Refugees

On February 1, 2006, the Central African Republic, Sudan, and the United Nations signed an agreement to assist in the return of 16,000 refugees to Sudan. The United Nations High Commissioner for Refugees promised to monitor the voluntary repatriation of Sudanese who fled their home country during the twenty-three years of warfare that resulted in about two million deaths. In January 2005, a peace agreement was signed, but many refugees have remained in the Central African Republic as their home areas are lacking basic services and infrastructure, such as schools, hospitals, water supply, and roads. Sudan's State Minister of Interior Aleu Ayieny Aleu, who signed the agreement for his country, promised that the refugees would be permitted to return home in peace. Sudan and Kenya signed a similar repatriation deal in January 2006.

The 2005 peace accord stated that the southern region of the country would be given a great deal of autonomy and that a referendum would be held in six years on the subject of secession. The 10,000 United Nations peacekeeping troops assigned to oversee the agreement have already reported violations. (*Central Africa, Sudan Sign Refugee Return Deal*, THE EPOCH TIMES, Feb. 1, 2006, <http://english.epochtimes.com/news/6-2-1/37649.html>.)
(Constance A. Johnson, 7-9829, cojo@loc.gov)

CHINA/SAUDI ARABIA – Energy Agreement

On January 23, 2006, China and Saudi Arabia signed a memorandum of understanding on expansion of energy cooperation. The agreement on "cooperation in oil, natural gas and minerals" was signed between Saudi Oil Minister Ali al-Nuaimi and Ma Kai, head of China's State Development and Reform Commission. Saudi Foreign Minister Prince Saud al-Faisal stated that the agreement does not specify projects but sets the framework for that kind of investment, "which will have to come from the companies." He noted that there are "very extensive contacts between Saudi and Chinese (companies)" and that agreements might be worked out in the future.

According to energy analysts, this is the first agreement between the two governments on overall cooperation in the field of energy. Previously, deals were signed in specific areas such as construction of oil refineries and drilling. China is the world's second largest oil consumer; Saudi Arabia, the largest oil exporter. Saudi Arabia is a key supplier of China's fuel. In 2005, the country



reportedly imported more than twenty million tons of oil from Saudi Arabia, about fourteen percent of its total oil imports. (Shai Oster, *China Will Strike an Energy Deal with the Saudis*, THE WALL STREET JOURNAL, Jan. 23, 2006, at A3; *China and Saudi Arabia Sign Bilateral Energy Agreement*, CHINA DAILY, Jan. 23, 2006, http://www.chinadaily.com.cn/english/doc/2006-01/23/content_514801.htm.)

(Wendy Zeldin, 7-9832, wzeld@loc.gov)

CHINA/UNITED NATIONS – Convention on Financing Terrorism Ratified

On February 28, 2006, the twentieth session of the Standing Committee of the Tenth National People's Congress ratified the International Convention for the Suppression of the Financing of Terrorism. The Chinese Government signed the Convention on November 13, 2001. The document was adopted by the U.N. General Assembly on December 9, 1999, and went into effect on April 10, 2002. As of mid-August 2005, 138 countries had reportedly signed the Convention. (*China's Lawmakers to Discuss UN Convention Against Terrorism Financing*, CHINA VIEW, Feb. 17, 2006, http://news.xinhuanet.com/english/2006-02/17/content_4193011.htm; Text of the International Convention for the Suppression of the Financing of Terrorism, <http://www.un.org/law/cod/finterr.htm>; *More on: China's Parliament Ratifies UN Convention Against Terrorism Financing*, XINHUA, Feb. 28, 2006, FBIS No. CPP20060228054061.)

(Wendy Zeldin, 7-9832, wzeld@loc.gov)

ERITREA-ETHIOPIA CLAIMS COMMISSION – Partial Award, Diplomatic Claims, Ethiopia's Claim 8

On December 19, 2005, the Eritrea-Ethiopia Claims Commission reached its decision regarding arguments about the application of the Vienna Convention on Diplomatic Relations (the Convention) when diplomatic ties have continued during a time of armed conflict. The Commission found that it lacked jurisdiction over several of the claims advanced by Ethiopia, because they were filed after the deadline required by article 5 of the Agreement between Ethiopia and Eritrea. The Commission also dismissed several claims because the events at the center of the claims occurred after December 2000 and as such were outside of the jurisdiction of the Commission.

The Commission did, however, find Eritrea in violation of article 29 of the Convention for the arrest and detention of the Ethiopian Chargé d'Affaires in September 1998 and October 1999. The Commission further found Eritrea in violation of articles 24 and 29 of the Convention for its retention of a box of Ethiopian embassy documents, which included blank passports valid for five years. (*Eritrea-Ethiopia Claims Commission: Partial Award, Diplomatic Claims, Ethiopia's Claim 8 (December 19, 2005)*, American Society of International Law website, <http://www.asil.org/ilib/2006/02/ilib060215.htm#j3> (last visited Feb. 21, 2006).)

(Ruth Levush, 7-9847, rlev@loc.gov)

THE GAMBIA/JAPAN – Food Aid from Japan

Following an exchange of signed notes in early February 2006, Japan will provide a grant valued at D38 million (about US\$1.4 million) to The Gambia through the Japanese Food Aid Program. The notes were signed by Japan's ambassador to the Gambia, Akira Nakajima, and The Gambia's High Commissioner to Senegal, Sidi Morro Sanneh, at the Japanese Embassy in Dakar, Senegal. The money will go to the purchase of rice and is considered a contribution to food security for The Gambia. Since



1979, Japan has provided a total of ¥2.127 billion (about US\$17.9 million) in aid to The Gambia. (*Japanese Gov't to Give D38M Grant to Gambia*, THE POINT, Feb. 6, 2006, <http://www.thepoint.gm/NationalStories212.htm>.)

(Constance A. Johnson, 7-9829, cojo@loc.gov)

GUATEMALA/BELIZE – Territorial Dispute

Under the mediation of the Organization of American States (OAS), on March 23, 2006, the governments of Guatemala and Belize will start negotiations to resolve their territorial dispute. Guatemala has had a territorial claim for more than one hundred years. The negotiations will include the delimitation of their maritime border in the Caribbean Sea, as well as Guatemala's claim over twelve thousand square kilometers of land territory (which is nearly half of Belize's territory) and some islands. Honduras, a neighboring country, which also has territorial rights in the Caribbean Sea, has been invited by the OAS to participate in the negotiations. (Rodrigo Pérez, *Negociación con Belice Incluye a Honduras*, SIGLO VEINTIUNO, Feb. 11, 2006, <http://www.sigloxxi.com/>.)

(Norma C. Gutiérrez, 7-4314, ngut@loc.gov)

INTERNATIONAL CRIMINAL COURT – New Judges Elected

On January 26, 2006, the legislative body of the International Criminal Court (ICC) elected six judges to the eighteen-member Court. They will serve nine-year terms, beginning in March 2006. Four of those selected, judges from Germany, Finland, South Korea, and Latvia, are being re-elected, having already served. Individuals from Ghana and Bulgaria will serve their first terms on the ICC.

The body that selected the judges, meeting at the United Nations in New York, is the Assembly of State Parties, which is charged with management of the Hague-based Court. The Assembly has representatives of the one hundred nations that have ratified or acceded to the Rome Statute (the treaty that established the ICC, signed in Rome, July 17, 1998, U.N. Doc. A/CONF.183/9; a website devoted to the treaty and containing its text is on the Internet at <http://www.un.org/law/icc/>).

It first elected ICC judges in February 2003, when it picked six judges for three-year terms, six for six-year terms, and six for nine-year terms. The plan is that eventually all judges will serve nine-year terms that are not renewable. The needs for a balance of regions of the world, for both men and women, and for representatives of the principal legal systems were considered in the recent selections. (*At UN, 6 Judges Elected to the International Criminal Court*, UNNEWS, Jan. 26, 2006, from UNNews@un.org.)

(Constance A. Johnson, 7-9829, cojo@loc.gov)

MOROCCO/THE GAMBIA – Bilateral Agreements

The Moroccan Minister of Foreign Affairs and Cooperation, Mohammed Benaissa, and his Gambian counterpart, Lamin Kaba Barjo, recently signed a set of agreements. The first agreement sets up permanent political consultations between the Ministries of Foreign Affairs of the two countries on a number of questions on bilateral relations and exchanges of viewpoints on international matters of common interest. The two parties will also exchange information on questions dealing with the application of the concluded agreements between the two countries and work together to strengthen the necessary bases for energizing their bilateral relations.



The second agreement is aimed at reinforcing cooperation in tourism, training, and exchange of expertise, especially in developing tourism institutions and personnel needed to respond to the technical and skill needs of the tourism industry. The third agreement covers cooperation between the Ministries of Justice of the two nations on exchanging information and expertise in continued training of magistrates, justice auxiliaries, and legal and judicial professionals. The two parties will also exchange studies, information, and expertise on ways to use alternative modes to settle lawsuits, such as conciliation, mediation, and arbitration.

The fourth agreement pertains to agricultural cooperation and was signed by Moroccan Minister of Agriculture, Rural Development, and Maritime Fisheries Mohamed Laenser and Barjo. The focus is on reinforcing cooperation between the two countries in animal husbandry and vegetable production, development and management of perimeters of irrigation, training, and technical assistance. The countries agreed to establish a joint committee under the presidency of the General Secretaries of the two countries in order to elaborate programs of cooperation in the agricultural field.

The fifth agreement focuses on technical cooperation in water and meteorology and was signed by Benaissa and Barjo. It relies on cooperation in the creation of artificial rain, management of hydraulic resources, and the quality of water. The sixth agreement was signed between the Moroccan Minister of Health, Mohamed Cheikh Biadillah, and his Gambian counterpart, Alagie Tamsir Mbowe, and pertains to health training; exchange of statistics and information on epidemic diseases, especially sexually transmitted diseases; and cooperation between hospitals.

The last agreement is concerned with promotion and encouragement of mutual investments, with a view to developing economic relations and commercial exchanges between Morocco and The Gambia. (*King Mohammed VI, President Jammeh Co-Chair Signing Ceremony of Several Cooperation Agreements*, MOROCCO TIMES, Feb. 20, 2006, <http://www.moroccotimes.com/Paper/article.asp?idr=2&id=13020>.)

(Karla Walker, 7-4332, kdwa@loc.gov)

MOZAMBIQUE/SOUTH AFRICA-- New Investigation into Machel's Death Announced

The President of South Africa, Thabo Mbeki, recently announced his decision to reopen the investigation into the 1986 death of Samora Machel, Mozambique's first president. During his state of the nation address, which took place in early February 2006, Mbeki noted that this year would commemorate “the 20th anniversary of the violent death of President Samora Machel in our country in 1986, in a plane crash that still requires a satisfactory explanation.” The South African Minister for Safety and Security, Charles Nqakula, recently stated:

The investigation will be reopened and will include co-operation with the law enforcement agencies of Mozambique. We will deploy the best available resources, human and material, to deal with the matter. We owe it to the people of Mozambique, who assisted our liberatory [sic] forces to topple apartheid and install the democratic dispensation that we have.

Machel died with twenty-four others in a plane crash at the height of regional cold war and apartheid tensions. He was returning from a summit in Zambia when his plane veered off course and crashed in hilly terrain in Mbuzini, in South Africa's Mpumalanga province, near the borders with Mozambique and Swaziland. An initial probe by South Africa's apartheid government ruled out foul play, but Soviet and Mozambican officials who investigated the crash claimed there had been a cover-



up and that it was not an accident. The possibility has been raised that a false beacon was used to lure the plane off its course. A subsequent Truth and Reconciliation Commission probe into the matter was inconclusive and recommended further investigation. (*New Investigation into Machel's Death Welcomed*, IRINNEWS.ORG, [http://www.irinnews.org/report.asp?ReportID=51656&SelectRegion=Southern Africa& SelectCountry=MOZAMBIQUE-SOUTH AFRICA](http://www.irinnews.org/report.asp?ReportID=51656&SelectRegion=Southern%20Africa&SelectCountry=MOZAMBIQUE-SOUTH%20AFRICA) (last visited Feb. 16, 2006).) (Gustavo E. Guerra, 7-7104, ggue@loc.gov)

NAMIBIA/GERMANY – Reparations for 1904 Genocide

The long-standing issue of reparations for the losses of Ovaherero and Ovambanderu in the 1904 war waged on them by the German colonial government has moved closer to resolution with meetings the Ovaherero/Ovambanderu Council for Dialogue on 1904 Genocide Technical Committee has been holding. The Council is preparing for negotiations with Germany concerning reparations covering not only deaths and property destruction in 1904, but also displacement of populations that are now scattered across South Africa and Botswana. Last year the Government of Namibia refused to accept an agreement proposed by the German Government that would have granted development aid of up to €160 million to the Namibian regions where the colonial war was focused. Further discussions between the two governments are expected. (*Papers on Reparations to Be Finalised*, NEW ERA (Windhoek), Feb. 22, 2006, http://allafrica.com/stories/printable/2006_02220824.html.) (Donald R. DeGlopper, 7-9831, ddeg@loc.gov)

NEW ZEALAND/CHILE/SINGAPORE/BRUNEI – Trans-Pacific Trade Agreement

New Zealand, Chile, Singapore, and Brunei have reached agreement on a Trans-Pacific Strategic Economic Partnership. This agreement, commonly referred to as the “P4 agreement,” expands the free trade arrangement that already exists between New Zealand and Singapore and is expected to result in duty-free status for eighty-nine percent of New Zealand’s exports to Chile and ninety-two percent of its exports to Brunei. (*Government Moves to Meet Requirements of Trans-Pacific Free-Trade Deal*, NEW ZEALAND PRESS ASSOCIATION, Feb. 21, 2006, LEXIS/NEXIS, NEWS Library, TopNews File.) To meet its new commitments, the New Zealand Government introduced a bill on February 21, 2006, to create a Tariff (Trans-Pacific Strategic Economic Partnership) Amendment Act (47th Parl. Bill. 20-1). New Zealand has had a free trade agreement with Australia; the Closer Economic Relations pact, since 1990. (Stephen Clarke, 7-7121, scl@loc.gov)

NORDIC COUNTRIES – Marriage Convention Amended

The Nordic countries (Denmark, Finland, Iceland, Norway, and Sweden) have signed a joint agreement to amend the Nordic Marriage Convention. The Convention contains regulations on several topics, including marriage, adoption, and custody rights. The amendments concern the choice of law applicable to a person’s finances. The aim of the amendments is to improve consistency in this area and make the financial situation for married partners more secure. (Nordic Council, *Amendments to Marriage Convention*, NORDIC NEWS, Jan. 30, 2006, available at <http://www.norden.org/webb/news/news.asp?id=5913&lang=6>.) (Linda Forslund, 7-9856, lifo@loc.gov)



ORGANIZATION OF AMERICAN STATES – Observing Nicaraguan National Elections

The Organization of American States (OAS) will observe this year's Nicaraguan regional and national elections. OAS Secretary General José Miguel Insulza sent an exploratory team of experts to Nicaragua in January 2006. Regional elections are going to be held in March and the national elections will be in November 2006. The OAS reiterated its commitment to collaborate and insure a fair and transparent electoral process. (Lester Juárez & Vladimir López, *Llega Observación Electoral de la OEA*, EL NUEVO DIARIO, Jan. 25, 2006, <http://www.elnuevodiario.com.ni>.) (Norma C. Gutiérrez, 7-4314, ngut@loc.gov)

TAIWAN/ISRAEL – Science, Technology Agreement

On January 24, 2006, Teng Sheng-sheng, Taiwan's representative to Tel Aviv, and Ruth Kahanoff, chief of the Israel Economic and Cultural Office in Taipei, signed an agreement on scientific and technological cooperation on behalf of their governments. The accord aims to promote mutual scientific and technological development through exchange of personnel, technology transfer, and exchange of information in seminars. Taiwan's National Science Council's International Programs Division Director stated that mutual benefit could be derived because Taiwan places more emphasis on the production and manufacturing of high technology while Israel focuses on research and development. (*Taiwan to Boost Sci-Tec Cooperation with Israel*, TAIWAN HEADLINES, Jan. 24, 2006, <http://english.www.gov.tw/TaiwanHeadlines/index.jsp?recordid=16780&action=CNA>; *China Watches as Ties Grow Between Taiwan, Israel*, TAPEI TIMES, Feb. 20, 2006, at 1, available at <http://www.taipeitimes.com/News/front/archives/2006/02/20/2003293800>.) (Wendy Zeldin, 7-9832, wzeld@loc.gov)

TOGO/UNITED NATIONS – Gender Equality Assessment

On January 18, 2006, the United Nations issued a press release on the report on Togo of members of the U.N. Committee on the Elimination of Discrimination. The Committee's twenty-three experts, acting in a personal capacity, monitor country compliance with the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (adopted in 1979 by the U.N. General Assembly). The members encouraged Togo's new Government of National Unity to promote gender equality "after many years of neglect," but noted that traditional practices and sexual stereotypes might still constitute its greatest challenges. Togo's Minister of Population, Social Affairs, and the Promotion of Women, in presenting the country's own reports, stated that one of the government's top priorities is to strengthen women's rights and combat violence against women and genital mutilation. However, the Committee stated that the reports indicated that men were "the incarnation of authority" in Togo and to "deconstruct the male patriarchy" would be difficult, given such problems as inadequate financing, public resistance to change, and the low number of women in positions of power. The Committee stressed the importance of making women aware of their rights, the need to ameliorate the situation of rural women, and to amend the Family Code, more than twenty provisions of which contravene the anti-discrimination Convention. (*Women's Anti-Discrimination Committee Takes Up Report of Togo: Experts Say Traditional Practices, Sexual Stereotypes Remain Challenges*, US FED NEWS, Jan. 18, 2006, LEXIS/NEXIS, News Library, 90days File.) (Wendy Zeldin, 7-9832, wzeld@loc.gov)



RECENT DEVELOPMENTS IN THE EUROPEAN UNION

Prepared by Theresa Papademetriou, Senior Foreign Law Specialist, Western Law Division

Data Retention Directive

Personal data, that is, data necessary to identify someone as a particular person, play an important role in the prevention, investigation, detection, and prosecution of terrorism and other serious crimes. While the United States has opted for data preservation, the European Union recently adopted a data retention system. Data preservation means that law enforcement authorities have the right to request that electronic service providers keep particular data on a particular person or persons. The data retention system, in contrast, is applied to all users of electronic resources. On February 21, 2006, the Council of the European Union approved the Directive on Data Retention. The European Parliament had raised serious concerns about privacy issues but finally gave its approval, following pressure by the Council, on December 5, 2005. The Directive obliges Member States to adopt legislation requiring providers of publicly available electronic communications services to universally retain personal data. The data to be retained are those necessary to identify the location of mobile communication equipment and the source, destination, time, and duration of a communication, as well as the type of communication. Data generated through mobile and fixed telephony are to be retained for up to two years by the Member States and those generated through the use of the Internet are to be kept for six months. According to the European Commission, the Directive balances the interests of all stakeholders involved, that is, the needs of law enforcement, the fundamental rights of citizens, and the interests of the electronic communications sector. (European Commission, *Proposal for a Directive of the Parliament and of the Council on the Retention of Data Processed in Connection with the Provision of Public Electronic Communication Services and Amending Directive, 2002/58/EC COM(2005)438 final*, available at <http://europa.eu.int/eur-lex>.)

Community Code on Border Control of Persons

Recently, the Council of the European Union adopted a regulation establishing a Community Code regarding border control of persons crossing the external borders of the EU. The regulation establishes conditions for entry and refusal of entry for third-country nationals and provides for the establishment of a European Agency for the Management of Operational Cooperation at the External Borders. It also identifies the various aspects of the external border related to land, air, and water and calls for checks on certain groups of persons, such as diplomats, aircraft pilots, seamen, and cross-border workers. (*Justice Council Agrees [to] Border Control Rules*, EURACTIV.COM, Feb. 22, 2006, available at <http://www.euractiv.com/Article?tcmuri=tcm:29-152840-16&type=News>.)

WTO Sides with EU on U.S. Illegal Tax Subsidies

On February 13, 2006, the World Trade Organization Appellate Body issued a ruling against U.S. federal tax subsidies for exporters. Such tax subsidies have been declared illegal in the past by two WTO Appellate Body reports and two WTO compliance panels. In 2003, the WTO granted authorization to the EU to impose trade sanctions at the level of US\$4 billion through the increase of customs duties on certain products. In January 2005, an EU regulation suspended sanctions as of early 2005, when the EU requested that a compliance panel examine the adoption of the American Jobs Creation Act. That panel found that this Act was also in breach of WTO rules. The 2005 regulation provided for the reintroduction of customs duties at the fourteen-percent rate two months after a final



Directorate of Legal Research for
International, Comparative, and Foreign Law

THE LAW LIBRARY OF CONGRESS

WTO ruling that the U.S. Act is in violation of EU rules. (Press Release, IP/06/158, WTO Condemns US Tax Subsidies; EU Calls on US to End Illegal Tax Breaks for Boeing, Others (Feb. 13, 2006), available at <http://www.europa.eu.int/rapid/pressReleasesAction.do?reference=IP/06/158&format=HTML&aged=0&language=EN&guiLanguage=en>.)

Declaration by the Austrian Presidency on the Death Penalty Moratorium in New Jersey

On January 25, 2006, Austria, which holds the presidency of the Council of the European Union, issued a declaration welcoming the decision of the New Jersey legislature to establish a moratorium on executions in the state. It reiterated its staunch support of a total ban on the death penalty and reaffirmed its goal of working towards universal abolition of the death penalty. In addition, a number of other countries, including the acceding countries, Bulgaria and Romania, and the candidate countries, Turkey, Croatia, and the Former Yugoslav Republic of Macedonia, supported the declaration. (Press Release, PESC/06/16, Declaration by the Presidency on Behalf of the European Union on Death Penalty Moratorium in New Jersey (Jan. 25, 2006), available at <http://www.europa.eu.int/rapid/pressReleasesAction.do?reference=PESC/06/16&format=HTML&aged=0&language=EN&guiLanguage=en>.)

Price Increase in Visa Fees

On February 21, 2006, the EU Justice and Interior Ministers contemplated the option to increase travel visa fees for non-EU nationals by close to €60 (about US\$71). The reason is that such an increase will assist officials in defraying the costs associated with new biometric visas. Students and researchers applying for visas will be able to pay less. (*EU Ministers Mull Plans to Hike Visa Fees*, BUSINESS WEEK ONLINE, Feb. 21, 2006, available at http://www.businessweek.com/ap/financialnews/D8FTLOL00.htm?campaign_id=apn_home_down&chan=db.)

Palestinian Aid

While the international community discusses whether to fund the Palestinian Authority when Hamas forms a government, the European Union made an offer of €120 million (about US\$140 million) as emergency aid. The European Commission stated that the money is to cover “basic needs” and will enable the authority to continue functioning for two months. It is unclear whether the EU Members will maintain the funding once Hamas assumes power. The EU lists Hamas as a terrorist organization. (*EU to Fill Palestinian Funds Gap*, BBC NEWS, Feb. 27, 2006, available at http://news.bbc.co.uk/1/hi/world/middle_east/4754580.stm.)

Inclusion of Ethnic Minorities in Europe

The European Commission, in a 2005 policy communication, highlighted the need to improve social inclusion of ethnic minorities living in Europe. The violence in France that erupted in 2005 served as a reminder of the social inequalities and exclusion that ethnic minorities face in employment, education, housing, and other areas. The Commission called for the establishment of a high-level group of experts to analyze and evaluate the problem of social exclusion. The group had its first meeting on February 13, 2006. (Press Release, IP/06/149, Expert Group to Promote Inclusion of Ethnic Minorities in the European Union (Feb. 13, 2006), available at <http://www.europa.eu.int/rapid/pressReleasesAction.do?reference=IP/06/149&format=HTML&aged=0&language=EN&guiLanguage=en>.)

* * * * *

