

SPANISH MUNICIPAL LEGISLATION INVOLVING QUESTIONS OF PUBLIC INTERNATIONAL LAW, 1993 AND 1994

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This survey covers aspects of Spanish municipal legislation related to Public International Law. Only relevant articles will be quoted or mentioned and an unofficial translation or a reference to the *Boletín Oficial del Estado* (Official Journal of the State) will be given.

I. INTERNATIONAL LAW IN GENERAL

II. SOURCES OF INTERNATIONAL LAW

— Resolution issued 26 January 1993, by the *Secretaría General Técnica del Ministerio de Asuntos Exteriores* on third State actions in regard to multilateral treaties to which Spain is a party (*BOE* n. 35, 10.2.93).

Note: This Resolution provides for the publication, for public knowledge, of the communiqués related to international treaties received by the *Ministerio de Asuntos Exteriores* (Ministry of Foreign Affairs) from 1 September to 31 December 1992.

— Resolution issued 19 May 1993, by the *Secretaría General Técnica del Ministerio de Asuntos Exteriores* (General Technical Secretariat of the Ministry of Foreign Affairs) on third State actions in regard to multilateral treaties to which Spain is a party (*BOE* n. 129, 31.5.93).

Note: This Resolution provides for the publication, for public knowledge, of the communiqués related to international treaties received by the *Ministerio de Asuntos Exteriores* from 1 January to 30

April 1993.

— Resolution issued 30 September 1993, by the *Secretaría General Técnica del Ministerio de Asuntos Exteriores* on third State actions in regard to multilateral treaties to which Spain is a party (BOE n. 255, 25.10.93).

Note: This Resolution provides for the publication, for public knowledge, of the communiqués related to international treaties received by the *Ministerio de Asuntos Exteriores* from 1 May to 31 August 1993.

— Resolution issued 7 February 1994, by the *Secretaría General Técnica del Ministerio de Asuntos Exteriores* on third State actions in regard to multilateral treaties to which Spain is a party (BOE n. 41, 17.2.94).

Note: This Resolution provides for the publication, for public knowledge, of the communiqués related to international treaties received by the *Ministerio de Asuntos Exteriores* from 1 September to 31 December 1993.

— Resolution issued 31 May 1994, by the *Secretaría General Técnica del Ministerio de Asuntos Exteriores* on third State actions in regard to multilateral treaties to which Spain is a party (BOE n. 138, 10.6.94, n. 173, 21.7.94, n. 174, 22.7.94 and n. 190, 10.8.94).

Note: This Resolution provides for the publication, for public knowledge, of the communiqués related to international treaties received by the *Ministerio de Asuntos Exteriores* from 1 January to 30 April 1994.

— Resolution issued 4 October 1994, by the *Secretaría General Técnica del Ministerio de Asuntos Exteriores* on third State actions in regard to multilateral treaties to which Spain is a party (BOE n. 246, 14.10.94).

Note: This Resolution provides for the publication, for public knowledge, of the communiqués related to international treaties received by the *Ministerio de Asuntos Exteriores* from 1 May to 31 August 1994.

III. RELATIONSHIP BETWEEN INTERNATIONAL AND MUNICIPAL LAW

— Resolution of the Full Senate, 3 May 1994, in which the revised text of Senate Regulations is approved (*BOE* n. 114, 13.5.94).

Note: This contains the text approved in the session held 26 May 1982, which was modified in the sessions held 11 November 1992, 6 October 1993 and 11 January 1994.

In Title IV, "On Legislative Procedures", Chapter II is dedicated to special legislative procedures and Section 7 addresses international treaties and conventions:

"Article 144.— 1. Proposals for non-ratification, postponement or reservations to international treaties and conventions that require the authorization of the *Cortes Generales* can be presented by using the methods described in the following sections.

2. The presentation of proposals for non-ratification are subject to the provisions that apply to veto proposals.

3. Reservation proposals can only be formulated for treaties and conventions that allow reservations. These proposals, along with proposals for postponement, must follow the system established for amendments in ordinary legislative procedures.

4. The competent committee will, in conformity with general rules, present a well-reasoned proposal to the full body stating if the authorization being sought should be granted or denied.

Article 145.— If the Senate agreement on any of the international treaties or conventions to which article 94.1 of the Constitution refers, differs from the one previously adopted by the *Congreso de los Diputados* a joint committee will be formed in keeping with the provisions of article 74.2 of the Constitution and article 57 of these Rules. The text presented by this committee will be submitted to a vote of the full Senate. The agreement which results from this process will be presented to the Government and to the *Congreso de los Diputados* for whatever purposes may arise.

Article 146.— Government reports on the conclusion of international treaties and conventions as contemplated in article 94.2 of the Constitution will be sent to the competent committees which, when necessary, will inform the full Senate.

Article 147.— At the request of a parliamentary group or twenty-five senators, the Senate can ask the Constitutional Court

to rule on whether or not a treaty or a convention submitted for consideration is contrary to the Constitution. Once this request is filed, processing of the treaty or convention is suspended until the Court makes a ruling. If the ruling is negative, processing continues”.

IV. SUBJECTS OF INTERNATIONAL LAW

1. Diplomatic and Consular Protection

— Resolution issued 3 December 1993, by the *Subsecretaría del Ministerio de Economía y Hacienda* in which a provisional proposal for the distribution of the maximum overall compensation stipulated by Law 19/1990 dated 17 December is published. This proposal sets out rules for advanced compliance with the Convention with Cuba dated 16 December 1986 on compensation for assets belonging to Spaniards affected by the laws, dispositions and measures issued by the Government of the Republic of Cuba on or after January 1, 1959 (*BOE* no. 6, 7.I.94). Resolution 6 June 1994 publishes the final list of beneficiaries and the distribution of the final overall compensation (*BOE* no. 148, 22.6.94).

Note: Law 19/1990 and Royal Decree 324/1991 set the guidelines for advanced compliance with the Convention between Cuba and Spain as regards compensation for Spanish property and goods affected by the laws, provisions and measures issued by the Government of the Republic of Cuba on or after January 1, 1959. The amount of the overall compensation agreed to by Cuba is 5.4 billion pesetas. See *SYIL* vol. I (1991), pp. 166—168.

V. THE INDIVIDUAL AND INTERNATIONAL LAW

1. Aliens

— Resolution issued 28 July 1994 by the *Subsecretaría del Ministerio de la Presidencia* establishing the quota of authorizations for the

employment of non-community foreign citizens for 1994 (*BOE* n. 180, 29.7.94).

— Circular dated 28 July 1994 by the *Secretaría de Estado de Interior* on exemptions from the visa requirement for obtaining permits or cards to remain in Spanish territory (*BOE* n. 193, 13.8.94).

Note: Establishes the situations in which an alien does not need a visa to remain in Spain and the criteria that should be followed to process an application for exemption from the visa. Nationals from member States of the European Communities or from the European Economic Space, except for nationals of Liechtenstein, are considered exempt from the visa requirement until January 1998, if they could not, in good faith, obtain the visa before entering Spain, or for humanitarian or public interest reasons.

2. Human Rights

— Law 9/1994, 19 May, which modifies Law 5/1984, 26 March, and regulates the right to asylum and refugee status (*BOE* no. 122, 23.5.94 and n. 131, 2.6.94).

Note: In conformity with the Statement of Purpose of this Law, the reform has four principal objectives. The first is to separate the concept of asylum from the status of refugee by creating different statutes. This duality does not derive in any way from the demands for the protection of aliens who are victims of persecution and it has been shown to be a source of confusion and abuse. In the second place, a preliminary phase is established in the examination process of applications which allows for a rapid rejection of those applications that are clearly abusive or unfounded, those which should not be examined in Spain, and those for which another country is better prepared to offer protection. In the third place, the effects that the rejection of an asylum petition produces are changed in the sense that the petitioner must abandon Spanish territory unless he meets the requirements needed to enter or remain in the country as stipulated by the general regime on aliens, or when, for humanitarian or public interest reasons, special authorization is given. Finally, in the fourth place, the authority of the *Ministerio de Interior* to suspend alien associations is suppressed in accordance with Constitutional Court judgment 115/1987, 7 July.

VI. ORGANS OF THE STATE

1. Central Organs of the State

— Royal Decree 674/1993, 7 May, on the provision of jobs abroad and the promotion of diplomatic personnel (*BOE* n. 124, 25.5.93).

Note: In conformity with art. 1.2 of Law 30/1984, August 2, on measures for the reform of the civil service, specific rules are established for personnel assigned to posts in foreign countries. The purpose of this Royal Decree is to provide the means by which to assign posts in foreign countries and the procedure for promotion within the diplomatic corps.

— Royal Decree 1574/1993, 10 September, which modifies Royal Decrees 1485/1985, 28 August, and 1527/1988, 11 November, on the basic organic structure of the *Ministerio de Asuntos Exteriores* (*BOE* n. 218, 11.9.93).

Note: The modification affects the following departments: The Foreign Service Office, the Department of Foreign Affairs, the Department of Political Affairs, the Department of Foreign Policy for Europe, and the Department of International Economic Relations.

2. Diplomatic Missions

— Royal Decree 681/1993, 7 May, establishing a permanent diplomatic mission of Spain in Croatia (*BOE* n. 118, 18.5.93).

— Royal Decree 852/1993, 4 June, establishing a permanent diplomatic mission of Spain in the Principality of Andorra (*BOE* n. 149, 23.6.93).

— Order issued 20 October 1994, by the *Ministerio de Asuntos Exteriores* suppressing the interministerial commission for the Valleys of Andorra (*BOE* n. 260, 31.10.94).

— Royal Decree 1990/1993, 12 November, establishing a permanent diplomatic mission of Spain in Qatar (*BOE* n. 272, 13.11.93).

— Royal Decree 2367/1994, 9 December, establishing a permanent diplomatic mission of Spain in Vietnam (*BOE* n. 310, 28.12.94).

3. Consuls and Consulates

— Order issued 8 March 1993, by the *Ministerio de Asuntos Exteriores* creating an honorary consular office in Cebu (Philippines) (*BOE* n. 69, 22.3.93).

— Royal Decree 426/1993, 26 March, regulating the labour and social security sections of the consular offices (*BOE* n. 89, 14.4.93).

— Order issued 6 April 1993, by the *Ministerio de Asuntos Exteriores* creating an honorary consular office in Reggio Calabria (Italy), (*BOE* n. 91, 16.4.93).

— Order issued 6 April 1993, by the *Ministerio de Asuntos Exteriores* creating an honorary consular office in Avellino (Italy) (*BOE* n. 91, 16.4.93).

— Order issued 6 May 1993, by the *Ministerio de Asuntos Exteriores* creating an honorary consular office in Peshawar (Pakistan) (*BOE* n. 114, 13.5.93).

— Order issued 4 June 1993, by the *Ministerio de Asuntos Exteriores* creating an honorary consular office in Jounieh (Lebanon) (*BOE* n. 139, 1.6.93).

— Order issued 4 June 1993 by the *Ministerio de Asuntos Exteriores* establishing a consular office as a general consulate of Spain in Andorra la Vella (*BOE* n. 150, 24.6.93).

— Order issued 7 July 1993, by the *Ministerio de Asuntos Exteriores* creating a consular office in Fez (Morocco) (*BOE* n. 170, 17.7.93).

— Order issued 26 July 1993, by the *Ministerio de Asuntos Exteriores* creating an honorary consular office in Saint Kitts and Nevis (*BOE* n. 186, 5.8.93).

— Order issued 25 August 1993, by the *Ministerio de Asuntos*

Exteriores transforming into consular offices the general consulates of Bremen, Nimes and Basle (*BOE* n. 212, 4.9.93).

— Order issued 28 September 1993, by the *Ministerio de Asuntos Exteriores* creating an honorary consular office in Antigua and Barbuda (*BOE* n. 239, 6.10.93).

Note: The Office will be classified as an honorary viceconsulate and will report to the Spanish Embassy in Kingston (Jamaica).

— Order issued 13 October 1993, by the *Ministerio de Asuntos Exteriores* creating an honorary consular office in Gaborone (Botswana) (*BOE* n. 257, 27.10.93).

Note: The Office will be classified as an honorary consulate and will report to the Spanish Embassy in Harare (Zimbabwe).

— Order issued 13 October 1993, by the *Ministerio de Asuntos Exteriores* creating an honorary consular office in Barinas (Venezuela) (*BOE* n. 257, 27.10.93).

— Order issued 22 November 1993, by the *Ministerio de Asuntos Exteriores* creating an honorary consular office in Saint Vicent and the Grenadines (*BOE* n. 285, 29.11.93).

Note: The office will be classified as an honorary viceconsulate and will report to the Spanish Embassy in Kingston (Jamaica).

— Order issued 1 March 1994, by the *Ministerio de Asuntos Exteriores* creating an honorary consular office in Roseau (Dominica) (*BOE* n. 59, 10.3.94).

— Order issued 24 March 1994, by the *Ministerio de Asuntos Exteriores* creating honorary consular offices in the Salomon Islands, Western Samoa and Vanuatu reporting to the Spanish Embassy at Canberra (Australia) (*BOE* n. 82, 6.4.94).

— Order issued 27 April 1994, by the *Ministerio de Asuntos Exteriores* creating honorary consular offices in Higüey, Puerto Plata and Barahona, reporting to the Spanish Consulate at Santo Domingo (Dominican Republic) (*BOE* n. 112, 11.5.94).

— Order issued 27 April 1994, by the *Ministerio de Asuntos Exteriores* creating honorary consular offices, which will be classified as

honorary viceconsulates, in St. Lucia, — reporting to the Spanish embassy at Castries, and in Grenada, — reporting to the Spanish embassy at St. George's (*BOE* n. 113, 12.5.94).

— Order issued 12 May 1994, by the *Ministerio de Asuntos Sociales* which abolishes the administrative units called labour offices and creates new ones called the labour division, the social security division and the social affairs division. (*BOE* n. 117.5.94).

Note: In the annex, the labour offices that are being abolished are listed (43) as are the offices of the newly created labour, social security and social affairs divisions (32).

— Order issued 19 May 1994, by the *Ministerio de Asuntos Exteriores* creating an honorary consular office, which is classified as an honorary viceconsulate in Rafaela, in the province of Santa Fe, which reports to the Spanish General consulate at Rosario (Argentina) (*BOE* n. 125, 26.5.94).

— Royal Decree 1183/1994, 3 June, which creates a consular civil registry in Andorra la Vella (*BOE* n. 155, 30.6.94).

— Order issued 27 June 1994, by the *Ministerio de Asuntos Exteriores* creating an honorary consular office, which is classified as an honorary consulate in Goma, and reports to the Spanish embassy at Kinshasa (Zaire) (*BOE* n. 161, 7.7.94).

— Order issued 7 July 1994, by the *Ministerio de Asuntos Exteriores* creating honorary consular offices, classified as honorary consulates in Fukuoka, Nagoya, Sendai and Sapporo, reporting to the spanish embassy at Tokyo (Japan) (*BOE* n. 168, 15.7.94).

— Order issued 13 July 1994, by the *Ministerio de Asuntos Exteriores* creating an honorary consular office, which is classified as an honorary viceconsulate in Cotonou and reports to the Spanish embassy at Lagos (Nigeria) (*BOE* n. 174, 22.7.94).

— Order issued 12 August 1994, by the *Ministerio de Asuntos Exteriores* supressing the general consular offices in Rotterdam and Hendaeye (*BOE* n. 205, 27.8.94).

— Order issued 12 August 1994, by the *Ministerio de Asuntos*

Exteriores converting the general consular office at Metz into a consular office (BOE n. 205, 27.8.94).

— Order issued 17 November 1994, by the *Ministerio de Asuntos Sociales* suppressing the consular office at Bremen (BOE n. 285, 29.11.94).

VII. TERRITORY

VIII. SEAS, WATERWAYS, SHIPS

1. Fisheries

— Order issued 29 January 1993, by the *Ministerio de Agricultura, Pesca y Alimentación*, which regulates the capture of pelagic species in the Bay of Biscay and the northwest during 1993 (BOE n. 31, 5.2.93).

— Order issued 8 January 1993, by the *Ministerio de Agricultura, Pesca y Alimentación*, which regulates fishing vessels using longlines for surface fishing in international fisheries (BOE n. 48, 25.2.93).

— Royal Decree 632/1993, 3 May, which regulates deep trawl fishing in the Gulf of Cádiz (BOE n. 118, 18.5.93).

Note: Regulates deep trawl fishing in the Gulf of Cádiz outwith internal waters with the western limit being the border with Portugal and the eastern limit the meridian known as “Punta Marroquí”, longitude 05° 36' west, near Tarifa, as regards fishing in both Spanish jurisdictional waters and at high sea.

— Order 18 May 1994, issued by the *Ministerio de Agricultura, Pesca y Alimentación*, which modifies the Order of 17 October 1988, which regulates Spanish fishing activities in the waters of the Northwest Atlantic Fisheries Organization (BOE n. 126, 27.5.94).

— Order 27 May 1994, issued by the *Ministerio de Agricultura, Pesca y Alimentación*, on the seasonal prohibition on fishing for red tuna in

the Mediterranean (*BOE* n. 129, 31.5.94).

Note: Prohibits the capture, storage on board and unloading of red tuna during the period that runs from 1 June to 31 July every year. This prohibition is applicable to fishing vessels measuring more than 24 metres in length that use longlines for surface fishing and fish in the Mediterranean.

IX. INTERNATIONAL SPACES

X. ENVIRONMENT

1. Seas

— Royal Decree 2/1993, 15 January, adopting measures to offset certain negative consequences of the accident involving the ship “Aegean Sea” (*BOE* n. 17, 20.1.93).

Note: Establishes reductions in social security and other joint payments and a three-month moratorium on debts derived from all types of loans, including principle and interest that are due and payable, for businessmen, salaried employees and self-employed individuals who earn their living in the fishing, shellfish or aquaculture industry whose normal work activities have been interrupted as a consequence of the accident involving the ship “Aegean Sea”.

Recognized by the *Congreso de los Diputados* in a Resolution dated 18 February 1993 (*BOE* n. 46, 23.2.93); completed by Royal Decree 3/1994, 25 March (*BOE* n. 75, 29.3.94) which, in turn, was recognized by the *Congreso de los Diputados* in a Resolution dated 28 April 1994 (*BOE* n. 111, 10.5.94).

— Order issued 17 May 1994, by the *Ministerio de Trabajo y Seguridad Social*, developing measures related to social security issues (*BOE* n. 121, 21.5.94).

2. Flora and Fauna

— Royal Decree 1431/1992, 27 November, approving the Plan for the Regulation of the Natural Resources of the National Land–Maritime Park of the Cabrera Archipelago (*BOE* n. 42, 18.2.93).

Note: In accordance with the provisions of Title II of Law 4/1989, 27 March, on the Conservation of Natural Spaces and of Wild Flora and Fauna and by Law 14/1991, 29 April which creates the National Land–Maritime Park of the Cabrera Archipelago. (Canary Islands).

— Resolution dated 15 March 1993 issued by the *Subsecretaría del Ministerio de Relaciones con las Cortes y de Secretaría del Gobierno* which makes public the Council of Ministers' agreement authorizing the addition of nine new areas to the list found in the Convention on Wetlands of International Importance especially as Waterfowl Habitats, done at Ramsar, 2 February 1971 (*BOE* n. 70, 23.3.93).

— Resolution dated 9 December 1993 issued by the *Subsecretaría del Ministerio de Relaciones con las Cortes y de Secretaría del Gobierno* which makes public the Council of Ministers agreement authorizing the addition of one new area to the list found in the Convention on Wetlands of International Importance especially as Waterfowl Habitats, done at Ramsar, 2 February 1971 (*BOE* n. 298, 14.12.93).

— Resolution dated 31 May 1994 issued by the *Subsecretaría del Ministerio de la Presidencia* which makes public the Council of Ministers agreement authorizing the addition of the Chiprana and Gallocanta Lagoons to the list found in the Convention on Wetlands of International Importance especially as Waterfowl Habitats, done at Ramsar, 2 February 1971 (*BOE* n. 135, 7.6.94).

— Resolution dated 4 November 1994 issued by the *Subsecretaría del Ministerio de la Presidencia* making public the Council of Ministers agreement authorizing the addition of six new areas to the list found in the Convention on Wetlands of International Importance especially as Waterfowl Habitats, done at Ramsar, 2 February 1971 (*BOE* n. 273, 15.11.94 and n. 277, 19.11.94).

XI. LEGAL ASPECTS OF INTERNATIONAL COOPERATION

1. Cultural Cooperation

— Royal Decree 564/1993, 16 April, establishing the requirement of including the letter "ñ" and other characters specific to the Spanish language on the keyboards of certain mechanical, electric and electronic devices which are used for writing (*BOE* n. 97, 23.4.93).

— Royal Decree 806/1993, 28 May, on the regime of foreign teaching institutions in Spain (*BOE* n. 149, 23.6.93).

Note: In accordance with art. 2, foreign teaching institutions in Spain will be governed:

a) by the provisions of international treaties and conventions to which Spain is a party, or in their absence, on the basis of reciprocity,

b) by the stipulations found in the Preliminary Title and in articles 10, 12.2, 13, 21.2, 22, 25 and 26 of Organic Law 8/1985, July 3, and the rules that develop them which regulate the right to Education.

c) by the provisions of this Royal Decree and the rules that the competent educational authorities issue to enforce and develop them.

— Royal Decree 64/1994, 21 January, which modifies Royal Decree 111/1986, 10 January, which partially develops Law 16/1985, 25 June, on the historic patrimony of Spain (*BOE* n. 52, 2.3.94).

Note: Includes rules on the export of assets that form part of Spain's historic patrimony.

2. Economic Cooperation

— Order issued 29 March 1993, by the *Ministerio de Asuntos Exteriores* establishing the general bases for the concession of subsidies to non-governmental developmental organizations and not-for-profit institutions with activities in the area of international cooperation in order to carry out developmental cooperation projects (*BOE* n. 88, 13.4.93).

3. Tariffs and Trade Cooperation

— Royal Decree 824/1993, 28 May, containing regulations on the export of defense and dual-use material (*BOE* n. 226, 21.9.93).

Note: Develops Organic Law 3/1992, 30 April.

— Order issued 6 April 1994, by the *Ministerio de Comercio y Turismo*, modifying the Order issued 21 February 1986, on procedures and processing related to imports and the establishment of different trade regimes for imports (*BOE* n. 89, 14.4.94).

Note: Abolishes Order issued 23 December 1991.

— Royal Decree 2111/1994, 28 October, regulating the obligation to maintain minimum emergency amounts of petroleum products creating the Strategic Reserves Corporation (*BOE* n. 292, 7.12.94).

4. Air Traffic and Transport

— Order issued 18 January 1993, by the *Ministerio de Relaciones con las Cortes y de Secretaría del Gobierno*, which establishes prohibited and restricted flight zones (*BOE* n. 20, 23.1.93).

Note: Differentiates between the areas where flight is prohibited for all types of aircraft except for Spanish aircraft duly authorized by the Ministry of Defense, and flight zones that are restricted to aircraft that either comply with state restrictions, or are Spanish State aircraft, when their mission so requires or in emergency situations.

— Royal Decree 1489/1994, 1 July, Regulations on operative air traffic (*BOE* n. 191, 11.8.94).

Note: Complements Royal Decree 73/1992, 31 January, which adopts air traffic regulations (*BOE* n. 43, 19.2.92), in order to, in essence, regulate operative air traffic which consists of the air transit of military aircraft.

XII. INTERNATIONAL ORGANIZATIONS

— Law I/1993, 8 March, authorizing the participation of Spain in the fifth increase in the resources of the Asian Development Fund (*BOE* n. 58, 9.3.93).

Note: The Spanish contribution amounts to 3,296,252,400 pesetas (\$ 34,440,000).

— Law I3/1993, 17 December, authorizing the participation of Spain in the Multilateral Investment Guarantee Agency (MIGA) (*BOE* n. 302, 18.12.93).

Note: The Spanish contribution amounts to \$50,000,000.

— Order issued 29 March 1994, by the *Ministerio de Asuntos Exteriores* which creates the Spanish National Committee for the 50th Anniversary of the United Nations (*BOE* n. 82, 6.4.94).

— Law 6/1994, 11 May, authorizing the participation of Spain in the increase in the resources of the International Finance Corporation (*BOE* n. 113, 12.5.94).

Note: This authorizes Spain to subscribe 16,098 new shares at a face value of \$1.00 each (amounting to 1,61 % of the total new shares offered).

— Law 7/1994, 11 May, authorizing the participation of Spain in the World Environmental Fund (*BOE* n. 113, 12.5.94).

Note: The Spanish contribution amounts to 10 million SDRs.

— Royal Decree 972/1994, 13 May, which restructures the National Committee for Cooperation with UNESCO (*BOE* n. 141, 14.6.94).

Note: Abolishes Royal Decree 2572/1982, 24 September.

XIII. EUROPEAN UNION

— Law 8/1994, 19 May, which regulates the Joint Commission for the European Union (*BOE* n. 120, 20.5.94).

Note: Abolishes Law 47/1985, 27 December, and Law 18/1988, 1 July,

and establishes a Joint Commission of the *Congreso de los Diputados* and the Senate, called the Joint Commission for the European Union, whose purpose is to ensure that the *Cortes Generales* have adequate participation in the legislative proposals drawn up by the European Commission and that they have at their disposal the most complete information possible on the activities of the European Union.

— Royal Decree 1102/1994, 27 May, which establishes the Organizing Committee of the Spanish Presidency of the European Council of the European Union (*BOE* n. 137, 9.6.94).

Note: The purpose of this Committee is to direct, promote and coordinate the activities of the general administration of the State as related to the development of the activities of the European Council, given that Spain will serve as president from 1 July to 31 December 1995.

— Organic Law 20/1994, 29 December, authorizing the ratification of the Treaty of Accession of Norway, Austria, Finland and Sweden to the European Union, done at Corfu, 24 June 1994 (*BOE* n. 312, 30.12.94).

XIV. RESPONSIBILITY

— Resolution 19 October 1993 issued by the *Secretaría General Técnica del Ministerio de Asuntos Exteriores*, which publishes Resolution 827 (1993), 25 May, of the United Nations Security Council, establishing an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the Former Yugoslavia since 1993 (*BOE* n. 281, 24.11.93 and n. 19, 22.1.94).

— Organic Law 15/1994, 1 June, on cooperation with the international tribunal for the prosecution of persons suspected to be responsible for serious violations of International Humanitarian Law committed in the territory of the Former Yugoslavia (*BOE* n. 131, 2.6.94).

Note: Basing its actions on the self-enforcement nature of a great part of the Statutes of the International Tribunal, the law provides stipulations that allow for the instrumentation of those matters

which the Constitution reserves for organic laws.

Art. 4 establishes the preeminence of the International Tribunal in cases of jurisdictional concurrence with Spanish courts. Likewise, there is a partial abolishment of the principle of *non bis in idem* in cases of crimes classified differently according to Spanish legislation and the Tribunal's statutes. Also important is the detention of an individual who finds himself within Spanish territory against whom a charge is brought by the International Tribunal, and the procedures for turning that individual over without having to go through a formal extradition process.

— Royal Decree 1879/1994, 16 September, by which certain procedural rules in matters related to Justice and the Interior are approved (*BOE* n. 240, 7.10.94).

Note: Among others, special procedures are established for the recognition of the right to compensation for damage done to foreign means of transport in Spanish territory and for the waiver of Spanish nationality in order to practise law.

XV. PACIFIC SETTLEMENT OF DISPUTES

XVI. COERCION AND USE OF FORCE SHORT OF WAR

— Order issued 27 February 1993, by the *Ministerio de Industria, Comercio y Turismo*, modifying an Order issued 30 October 1992, on trade rules for exchange with the Republics of Croatia and Bosnia–Herzegovina and with the former Yugoslavian republic of Macedonia (*BOE* n. 56, 6.3.93).

— Order issued 26 April 1993, by the *Ministerio de Obras Públicas y Transportes* which establishes measures based on the application of United Nations Security Council Resolution 820, 17 April 1993, on restrictions on the access to ships belonging to the Federal Republic of Yugoslavia (Serbia and Montenegro) (*BOE* n. 105, 3.5.93).

— Order issued 24 May 1993 by the *Ministerio de Industria, Comercio*

y *Turismo*, on the system of commercial exchanges with the Federal Republic of Yugoslavia (Serbia and Montenegro) (*BOE* n. 126, 27.5.93).

Note: In application of Security Council Resolution 820 (1993) and European Communities dispositions, this order abolishes Orders issued 9 June and 31 July 1992 (See *SYIL* vol. II (1992), pp. 294–5). According to this new Order, all imports and exports are prohibited except for medical items and goods and products destined to meet basic human needs, which are subject to prior administrative authorization.

— Resolutions dated 26 July, 5 October and 16 November 1993, issued by the *Secretaría de Estado de Comercio*, modifying the system of commercial exports to Haiti, and the Order issued 13 June 1994, by the *Ministerio de Comercio y Turismo*, establishing a commercial embargo with Haiti (*BOE* n. 186, 5.8.93, n. 246, 14.10.93, n. 278, 20.11.93 y n. 145, 18.6.94).

Note: In application of Resolution 841 (1993) of the United Nations Security Council and of Community dispositions, exports to Haiti are subject to prior administrative authorization and the export of petroleum and petroleum-derived products is prohibited.

This Resolution was abolished by a resolution dated 5 October 1993 (*BOE* n. 246, 14.10.93), which was, in turn, abolished by the Resolution of 16 November 1993 (*BOE* n. 278, 20.11.93) in light of the retrocessions taking place due to the situation in Haiti. An Order issued on 13 June 1994, by the *Ministerio de Comercio y Turismo*, abolishes all previous orders and establishes a trade embargo which requires prior administrative authorization for imports to and exports from Haiti, except for the exportation of food products and materials destined for purely medical use. Finally, an Order dated 14 November 1994 abolishes the Order of 13 June (*BOE* n. 277, 19.11.94).

— Order issued 17 September 1993, by the *Ministerio de Comercio y Turismo*, abolishing the Orders issued 30 October 1992 and 27 February 1993, regarding the regime of commercial exchanges with the Republics of Croatia and Bosnia–Herzegovina and with the Former Yugoslav Republic of Macedonia (*BOE* n. 228, 23.9.93).

— Resolution dated 15 November 1993 issued by the *Secretaría de*

Estado de Comercio which modifies the regime of commercial export exchanges with Angola (BOE n. 277, 19.11.93 and n. 287, 1.12.93).

Note: Adopted in application of United Nations Security Council Resolution 864 (1993); stipulates that the export of certain products to Angola is subject to prior administrative authorization.

— Royal Decree 2120/1993, 3 December, submitting certain transactions with Libya to prior administrative authorization (BOE n. 290, n. 4.12.1993).

Note: In application of United Nations Security Council Resolution 883 (1993) financial transactions with Libya are subject to prior administrative authorization.

— Order issued 27 December 1993 by the *Ministerio de Comercio y Turismo* which prohibits the supply of certain goods to Libya (BOE n. 12, 14.1.94).

Note: Abolishes Order issued 21 May 1992 by which all aircraft and aircraft components classified in chapter 88 of the current Customs Tariffs were subjected to administrative authorization. The new Order prohibits the export of any goods listed in the annex to the Order related to aircraft and aircraft components, materials or components for the building or development of civil or military airports, or equipment destined for the production of oil or petroleum-derived products.

XVII. WAR AND NEUTRALITY