



A government commission of the Formentera Island Council approved 11 October a measure to present observations subsequent to the preliminary draft law on marriage-based property separation regimes in the Balearic Islands.

The evaluative council formed to opine on traditional civil law in Eivissa/Formentera (Consell Assessor de Dret Civil propi d'Eivissa I Formentera) has the utmost respect of our local administration with respect to that council's proposed new draft law. The Formentera Council is moreover aware of the technical difficulty inherent in determining a final text for such a venture. However, our island council feels it is necessary to submit a series of representations and suggestions in the interest of preserving the provisions unique to Eivissa and Formentera concerning marriage-based property regimes. The Formentera Council wishes nevertheless to emphasize that the principle objective is that a consensus be reached on the issue, whatever the most appropriate solution to the technical aspects may be.

Faced with the task of redacting a unified law for the entire Balearic Islands territory which would overwrite the existing civil law on each of the four islands, coinciding with the compilation of legal provisions established in 1990, itself a successor to a similar compilation from 1961, the Formentera Island Council wishes to propose the creation of a set of special legal provisions applicable on the islands of Mallorca and Menorca, and a distinct set of provisions to be applied on Eivissa and Formentera.

The objective is to maintain the distinct traditions that exist in the civil law of each of the Balearic Islands. Thus, we propose that a set of economic measures concerning the marital regime be established based on the legal provisions specific to Mallorca and Menorca, and that likewise an alternate set of measures be extrapolated from the legal provisions specific to the Pitiüsas.

The Institut d'Estudis Eivissencs and the Obra Cultural Balear, the former serving as the consultative body to the Formentera Council on matters of historical patrimony and the latter an

entity consulted by the Council on culture and tradition, have each for their part made public their submissions concerning the draft law. Both associations have expressed their conviction that absolute protection must be afforded the civil law of the islands of Eivissa and Formentera, lest they be deluded by a uniform legislation intended for the Balearics as a whole.

Pitiüsa civil law is a clear illustration of the variety and plurality that is present in local law, itself a key aspect of the civil law regime of the Balearics at large. It represents a distinct feature that must be maintained and promoted, given the idiosyncrasy it demonstrates of each island. This branch of civil law, in its relation to marriage-based property regimes, is divided along the same lines that separate each island, and is an outgrowth of the fundamental traditions that must be preserved. It is an example of the autochthonous traditions and cultures found on each island.