

# University of Miami Inter-American Law Review

---

Volume 6  
Number 3 *Lawyer of the Americas, Volume 6*  
Number 3 (October 1974)

---

Article 7

10-1-1974

## Inter-American Legal Developments

R. C. Benitez  
*University of Miami School of Law*

Follow this and additional works at: <https://repository.law.miami.edu/umialr>



Part of the [Comparative and Foreign Law Commons](#), and the [International Law Commons](#)

---

### Recommended Citation

R. C. Benitez, *Inter-American Legal Developments*, 6 U. Miami Inter-Am. L. Rev. 734 (1974)  
Available at: <https://repository.law.miami.edu/umialr/vol6/iss3/7>

This Report is brought to you for free and open access by University of Miami School of Law Institutional Repository. It has been accepted for inclusion in University of Miami Inter-American Law Review by an authorized editor of University of Miami School of Law Institutional Repository. For more information, please contact [library@law.miami.edu](mailto:library@law.miami.edu).

## INTER-AMERICAN LEGAL DEVELOPMENTS

R. C. BENITEZ\*  
*Editor-in-Chief*  
*Lawyer of the Americas*

### ARGENTINA

Decreets 710 (1974) and 1013 (1974) amended the Argentine Food Code.

The Triennial Plan for National Reconstruction and Liberation, designed to serve as a guide for economic and social development for the whole nation was approved by Decree 776 (1974).

Law 20.558 (1973) relating to the Corporation of National Enterprises was regulated by Decree 810 (1974), and Decree 740 (1974) gave the Board of the Corporation specific powers with regard to the designation of personnel. Decree 1319 (1974) relates to guarantees to enterprises included in the Corporation.

Law 20.654 (1974) repeals Law 17.245 as the Organic Law of the National Universities. Title I covers the objectives, functions and powers of the Universities, as well as their legal-administrative structures. The academic organization is set forth in Titles II and V, while Title III relates to University governance. Titles IV, VI, X and XI, in general, cover academic matters; the remaining Titles (VII, VIII and XII) relate to patrimony, intervention and final provisions, respectively.

Decree 889 (1974) established norms to determine the value and disposition of assets of financial institutions (banks) expropriated under Law 20.522 (1973).

Decree 890 regulates Law 20.586 (1974) with regard to that part of the law relating to family benefits for retirees.

---

\*The assistance of the following in the preparation of this report is gratefully acknowledged: M.A. Bander, Esq., R.W. Brown, Esq., and G.T. Ramani, Esq.

Law 20.615 (1974) concerning Workers' Professional Associations was regulated by Decree 1045 (1974).

Criminal sanctions for evasion of taxes is set forth in Law 20.658 (1974).

The reorganization of air transportation within Argentina was ordered by Decree 986 (1974), which also cancelled the operating permits of Austral Airlines.

Decree 1191 (1974) promulgated procedural norms for the National Tribunal of Professional Relationships, established by Decree 825 (1973). The function of the Tribunal is to adjudicate cases arising from unfair and unethical professional practices.

Decree 1283 (1974) establishes the bases and conditions for the liquidation of companies declared bankrupt, but allowed to continue operations by the Executive under Laws 19.551 (1972) and 19.980 (1972). The decree also affects companies in the process of being liquidated.

Decree 1360 (1974) regulates the Customs Convention on the Importation of Pedagogical Material (Brussels, 1970), effective in Argentina on April 3, 1973.

National enterprises in financial difficulties are brought within a "regime of assistance" under Decree 1336 (1974).

Decree 1387 (1974) established the *Oficina de Abastecimiento de Insumos Industriales* (Office of Supplies for Industrial Consumption) to insure the supply of critical *insumos* within the country. A National Committee to assist in the implementation of Decree 1387 was created by Resolution 846 of the Ministry of Economy.

The reentry of Argentine citizens into Argentina, which required a valid passport under Decree 1493 (1973), is now permitted under any documentation which proves such citizenship (Decree 1477, 1974).

The aims of a National Aviculture Plan were set out in Decree 1406 (1974), and the norms for a National Economic Census in Decree 1513 (1974).

Decree Law 11126 (1974) introduces a new customs tariff using the Andean Group nomenclature, based on the Brussels classification.

Decree 1796 (1974) affects foreign investments with respect to registration in the Register of Foreign Investments (Law No. 20.575).

The National Supply (*Abastecimiento*) Law (No. 20.680, 1974) repeals Decree-Law 19.508 (1972), as modified by Decree-Law 20.1525 (1973), and grants the Executive broad powers to establish profit limits, freeze prices, set minimum prices, and promulgate norms relative to the commercialization, distribution and production of goods and services which affect—directly or indirectly—the needs of the population.

The newspapers *El Mundo*, *Respuesta Popular* and *El Peronista* were eliminated in 1974 under Decree 811,906, and 1704 respectively.

A law to combat the black market, hoarding, usury and speculation was promulgated in late June, 1974. The details are unknown at the moment of writing but, in general, the law seeks to do away with unethical economic practices tending to subvert the economic-social progress in which the country is embarked under the present administration.

## BOLIVIA

A 25 year agreement for exploration and mining in the Department of Potosi has been signed with France.

In May, 1974 Bolivia and Brazil signed an agreement providing for the opening of the Brazilian ports of Belem, Porto Velho, Corumba and Santos to duty free transit of Bolivian exports.

A new Mining Code has been introduced, effective May 1, 1974. The new code spells out the guidelines for foreign investments in mining ventures. Thirty year concessions may be granted with reversion to the State at the end of that period of time.

## BRAZIL

The Bankruptcy Law (Decree-Law 7,661, 1945) was republished and several articles modified to conform with the provisions of the new code of Civil Procedure.

Only institutions belonging to the National Financial System and authorized by the Central Bank may collect funds generated by tax incentives deducted from income tax under Decree-Law 1,304 (1974).

Under Decree-Law 1,312 (1974) the Executive is authorized to give the guarantee of the National Treasury for operations involving credit obtained abroad, and also for the contracting of foreign currency credits,

within specified limits. The decree-law, furthermore, consolidates the existing legislation on the matter.

A number of existing legal provisions were updated by Law 6.014 (1973). In essence, the new law makes these provisions conform to the new Code of Civil Procedure which became effective on January 1, 1974, and republishes the text of the decree-laws, decrees and laws altered by means of the modifications now introduced. Such laws regulate the laying out of building estates, labor accidents, commercial leasing, suits of *mandado de segurança*, the supply of food, sales supported by fiduciary guarantee, and bankruptcy.

Law 6,019 (1974) concerning temporary work (6 *Law. Am.* 430, 1974) is regulated by Decree 73,841 (1974).

Law 6,024 (1974) established new rules for official intervention and extrajudicial liquidation of financial entities in cases of poor administration resulting in risks to creditors, or in cases of repeated violations of legal provisions relating to banking operations. The intervention period is set at six months, but may be extended by the Central Bank.

Decree 73,423 (1974) regulates Law 5,959 (1973) relating to the retroactivity of the option for the regime of Guaranty Fund for Time of Service (FGTS).

Decree 73,601 (1974) provides for the establishment of the Forestry Development Institute linked to the Ministry of Agriculture. Purpose of the Institute is to formulate forestry policy, advise, coordinate and execute action for the rational utilization, protection and conservation of renewable resources.

Decree 73,630 (1974) created within the area of SUDAM, an Executive Secretariat — the *Secretaria da Superintendencia do Desenvolvimento da Amazônia* — SUDAM which will be in charge of the programming, negotiation, obtaining and evaluation of the rendering of technical and financial assistance to Amazonia. Decree 73,683 (1974) created the Amazonia National Park.

The income tax exemption for undertakings in the SUDENE (Superintendency for Development of the Northeast) and SUDAM (Superintendency for Development of the Amazon Region) areas has been extended to undertakings which begin operations before December 31, 1978 by Decree 1,328 (1974).

Decree 73,722 (1974) deals with the implementation of the results of the thirteenth series of annual negotiations for the formation of the *Zona de Livre Comercio* (Free Trade Zone), instituted by the Treaty of Montevideo.

Travel and touring agencies have been regulated by Decree 73,845 (1974). Such agencies shall be registered with Empresa Brasileira de Turismo (EMBRATUR) in order to enjoy the prerogatives provided in the law.

Decree 73,995 (1974) established the new minimum salary levels, varying from Cr\$376.80 per month in Guanabara, Rio de Janeiro and São Paulo States to Cr\$ 266.40 per month in the Northeastern States.

Decree 74,157 (1974) regulates the requirements for examination by the Federal Government, in accordance with Article 42 of the Constitution, of foreign loan and credit operations or agreements in the interest of the States, the Federal District and the Municipalities.

Decree 74,170 (1974) regulates the sanitary conditions for commerce in drugs, medical, pharmaceutical and related products, including licensing, technical assistance, responsibility, and prescription.

The Mayor of São Paulo signed Decree 10,888 (1974) according to which owners, administrators or those responsible for existing buildings, or those under construction and which come under the provisions of Decree 10,878 (1974), must present a technical report made by two professional people describing the security conditions of the building vis-à-vis the rules in Decree 10,878, within 90 days. The technical report should state whether the building complies with the rules, or indicate the appropriate security measures. In the latter case they shall also indicate the time schedule for executing the necessary services, within the shortest possible time.

The following Central Bank Resolutions are of interest — 279, 281 and 285:

(1) Central Bank Resolution 279 (1974) suspends the compulsory deposit of 40% on the cruzeiro value of foreign currency loans for authorized operations after February 8, 1974.

(2) Central Bank Resolution 281 (1974) regulates Decree-Law 1,304 (1974) relative to the garnering of resources from fiscal incentives. Commercial banks, investment and development banks, brokerage firms and distributors may receive accreditation to collect the fiscal incentives.

(3) Central Bank Resolution 285 (1974) provides that the Banks may pay sight deposits of individuals in any financing institution which may be under government intervention, up to a limit of 50 times the highest minimum wage (Cr\$15,600.00). This resolution seems to protect the interests of small depositors whose savings may be blocked due to intervention. Depositors may opt for payment in cash or credit in an account they may have in another bank or financing firm.

General requirements regarding civil liability insurance are set forth in Circular 2 (1974) from the Private Insurance Superintendency.

Instruction 16 (1974) from the Secretary of Federal Revenue establishes that goods imported to be deposited in a bonded warehouse, without the accompanying bill or similar document, may be admitted into the warehouse provided that they are declared within a period of ten days from the date of unloading.

The Executive Commission of the Customs Policy Council authorized the return or destruction of merchandise imported under the drawback system in certain justified cases, such as technological obsolescence, manufacturing defects and leftovers. (Resolution 2,190, of May 23, 1974).

The Minister of Finance excluded from fiscal benefits provided by Decree 64,833 (1969), the exportation of products used in paper manufacture. (Portaria 49, Feb. 22, 1974).

Loans obtained abroad, whether connected with acquisition of goods or not and contracted as of the effective date of Decree-Law 1,215 (1972), may receive the benefit of a refund, reduction or exemption of income tax payable at the source on interest, commissions, expenses and discounts. The conditions for the granting of such benefits are laid down in Portaria 124 (1974) of the Ministry of Finance.

The Foreign Trade Department of *Banco do Brasil S.A.* issued revised administrative rules for Brazilian exports. They were published in the Official Gazette of March 26, 1974.

Portaria 55 (1974) of the National Supply Superintendency (SUNAB) released from control the maximum sales prices of soybean oil in the national territory.

The following legislative measures among others, are projected: Revision of the tax laws and legislation on fire prevention; naturalized persons, so as to bring their rights and duties in line with native born Brazilians; and, pollution.

The following Jurisprudence is noted: (1) Third Civil Section of Court of Appeals (São Paulo) in Appeal 177,830 held that the law does not permit employees or shareholders of a company to participate in ordinary meetings if they are members of the Board of Directors, the Audit Committee or any other body created by the by-laws, because they may not vote in connection with their own accounts and reports. (2) Guanabara's Tribunal of Justice (Civil Appeal 68, 157) ruled that when establishing loss and damage, the currency devaluation must be considered. (3) Superior Labor Court in case 1,220 (1974) held that *financieras* are similar to banking establishments, and the regulations regarding the working condition of bankers are applicable to them, for the purposes of Art. 224 of the Consolidated Labor Laws. (4) Federal Supreme Court: (a) In Civil Appeal 32.596, held that the mere holder of a trademark not registered in Brazil may not bring an action for nullity against the registration of an identical or similar mark, unless he has opposed the registration which is considered prejudicial and applied for registration of his own, within the period prescribed by law. (b) In Extraordinary Appeal 69,637, that monetary correction was not applicable in an extraordinary appeal if the decision appealed against exonerates the debtor from blame for delay, and the creditor was guilty of delay in executing a liquidated and certain debt. (c) In Extraordinary Appeal 72,193, that with regard to foreign currency debts, the variations of the exchange rate are applicable for the purpose of the currency conversion. (d) In Extraordinary Appeal 76,369, that the managing quota-holder of a *limitada*, which is dissolved without a proper liquidation, is liable jointly and without limit vis-à-vis third parties for acts practiced in contravention of the law. (e) In *Agravo* 59,071, that prior protest of a bill is not necessary for an executive action against the issuer of a promissory note, and his guarantors.

#### CANADA

The following Acts have come into force. Consumer Packaging and Labelling Act, March 1974; Energy Supplies Emergency Act, January 1974; Oil Export Tax Act, October 1973; Residential Mortgage Financing Act, December 1973; Further, Royal Assent was given to Protection of Privacy Act amending the Criminal Code with respect to possession, interception and disclosure of effective eavesdropping devices, June 1974. Also Amendments to the Following Acts were enacted in 1974: Export and Import Permits Act, Fisheries Development Act, Fisheries Improvement Loans Act and the Small Business Loans Act.



### Alberta

The following Acts have come into force on the dates specified. Alberta Property Tax Reduction Amendment Act, January 1974; Arbitration Amendment Act, January 1974; Coal Conservation Act, Oct. 1973; Freehold Mineral Taxation Act, January 1974; Licensing of Trades and Business Amendment Act, October 1973; Mines and Minerals Amendment Act (except Sec. 5), December 1973; Mines and Minerals Amendment Act (Sec. 5), January 1974; Petroleum Marketing Act, January 1974; Rural Gas Act, November 1973, and Workers Compensation Act, January 1974.

### British Columbia

The following Acts have come into force in 1974: Development Corporation of British Columbia Act, Human Rights Code of British Columbia Act, Labor Code of British Columbia Act, Mineral Amendment Act, Mines Regulation Amendment Act, Petroleum Corporation Act, Soil Conservation Amendment Act, and Workmen's Compensation Amendment Act.

### New Brunswick

The Adoption Amendment Act came into force in February 1974.

### New Foundland

The following Acts came into force on the dates specified. The Conflict of Interest Act, December 1973, and Credit Report Agencies Act, April 1974.

### Nova Scotia

The Judicature Amendment Act came into force in December 1973.

### Ontario

Royal Assent was given to the following Acts: Land Speculation Tax Act, Commencement April 1974; Land Transfer Tax Act, Com-

commencement April 1974; Land Transfer Tax Amendment Act, Commencement April 1974; Environment Protection Amendment Act, Commencement April 1974; Business Corporation Amendment Act, Commencement October 1973; Housing Development Amendment Act, Commencement June 1974; Shoreline Properties Assistance Amendment Act, Commencement June 1974; Succession Duty Amendment Act, Commencement June 1974; Wool Marketing Act; Ontario Guaranteed Annual Income Act, Commencement June 1974; Juries Act, Commencement June 1974; Workmen's Compensation Amendment Act, Commencement July 1974. The following Acts, among others, have come into force: Corporation Tax Amendment Act; Development Corporation Act, December 1973; Corporations Amendment Act, February 1974; Co-operative Corporations Act, March 1974.

### Quebec

The Official Language Act, which proclaims French the official language of the province of Quebec (only those pupils who have sufficient knowledge of English will receive their instructions in English; others will receive their instructions in French) was assented to in July 1974. Also assented was: Farm Products Marketing Act, July 1974.

### Saskatchewan

The following Acts have come into force in 1974: Oil and Gas Conservation Act; Stabilization and Development Act; Condominium Property Amendment Act; Intestate Succession Amendment Act; Land Titles Amendment Act; Summary Offences Procedure Amendment Act; Tax Enforcement Amendment Act; and, Wills Amendment Act.

### CARIBBEAN

*Antigua* — The Treasury Bills Ordinance (1922) has been repealed and the Treasury Bills Act (1974) introduced. A bill to authorize borrowings through the issuance of Treasury Bills passed the House of Representatives in June 1974.

*Bahamas* — On March 22, Bahamas deposited its accession to the Constitution of the Universal Postal Union (Vienna, 1964). On April 1, the Instrument of Acceptance of the Constitution of the World Health Organization was deposited at the United Nations.

The following were assented to: Emergency Tax (Amendment) Act (1974); Tariff (Amendment) Act (1974); and Emergency Powers Act (1974).

*Barbados* — The following Acts, among others, were amended on the dates specified: Rate of Interest Act, May 1974; Land Valuation Act, which enables the quantum of remuneration payable to certain witnesses to be prescribed; Trade Union Act, which recognizes the right of a trade union to organize and bargain collectively; Exchange Control Act, March 1974; Firearms Act, which increases the fees payable for licenses thereunder, June 1974; Tenancies (Control and Development) Act, June 1974; Interpretation Act, providing that publication of a statutory instrument, statutory document or advertisement in the Official Gazette, shall for all purposes be sufficient publication of that instrument, document or advertisement; Land Development Duty Act, providing for the deduction of certain legal expenses in ascertaining the capital gain on the sale of land in a special development area, April 1974; Final Appropriation Act, February 1974; Public Utilities Act, April 1974; Health Services Act, April 1974; Stamp Act, April 1974; Civil Establishment Act, March 1974; Gambling Act, April 1974; Savings Bank Act, March 1974; Income Tax Act, March 1974 and Narcotic Drugs Act, May 1974.

The following Acts were assented to on the dates specified: Development (Canadian Loan) Act, which authorizes the Government of Barbados to borrow from the Canadian Government up to ten million dollars for airport development in Barbados, February 1974; Caribbean Investment Corporation Act, which provides for the implementation by Barbados of the Agreement establishing the Caribbean Investment Corporation and connected purposes, February 1974; Appropriation Act, to grant a sum of money out of the Consolidated Fund and to appropriate the same for the services of the island for the year ending March 31, 1975, April 1974; and Fiscal Incentives Act, to implement the agreement to which Barbados is a party, between certain countries in the Caribbean region for the harmonization of fiscal incentives to industry, March 1974. This Act came into operation in April 1974, while the Pesticides Control Act became effective in June 1974.

*Guyana* — A trade agreement has been entered into with the German Democratic Republic.

*Jamaica* — The Suppression of Crime Act (1974) establishes drastic penalties in an effort to stem the escalation of crime in Jamaica. The Act, which among other things, established special courts to deal with firearm

offenses has been under heavy attack by a large segment of the population, particularly the local bar association. The Caribbean Bar Association has also registered its opposition to those provisions of the law which border on the denial of due process.

A bill amending the Loan Act to increase the borrowing authority of the Government has passed the House of Representatives.

A bill providing for a substantial increase in the bauxite production tax became law in mid-Summer, 1974. The increased tax, retroactive to January 1, 1974, was seriously contested by the bauxite producers.

## CHILE

In the political area, Decree-Law (DL) 360 extended the State of Siege for six months commencing on March 22; DL 436 established criminal sanctions for violation of DL 78 which decreed that the activities of political parties should be held in abeyance; DL 460 created an Advisory Committee whose president is to have ministerial rank; DL 521 established the Office of National Intelligence, a military entity under the *Junta*; DL 527 approved the charter of the Government *Junta* which, among other attributes, will exercise legislative and constitutive powers while the President of the *Junta* exercises the executive power; DL 573 promulgates the Charter of the State's Internal Administration. The Charter divides the country in regions, provinces, and communes whose supreme authorities will be designated by the President of the *Junta*; DL 575 designated the twelve regions into which the country is divided and sets forth the powers of the respective officials; DL 559 modifies Laws 12927 and 17798 plus Legislative-Decree 221 (1931), and increases criminal penalties for those who threaten persons or things in the country.

Decree 357 ordered payment to Cerro Corporation for the expropriation of the Andean Mining Company.

The Penal Code and the Forestry Law were amended by DL 400 which makes it a crime to destroy or set fire to forests.

DL 397 establishes a Superintendency under the Minister of Economy to fiscalize imports, sales, and the observance of economic legislation.

Cooperatives are affected by DL 408 which authorizes readjustment of their capital, and DL 445 regulates those working cooperatives whose function is production of goods or rendering services. A Cooperative's

Resolution (No. 8 in DO June 27, 1974) establishes norms for the re-valuation of certain type of assets.

Aviation Decree 172 approved a new regulation relative to aeronautical taxes and duties, and DL 431 established compulsory insurance for special transport services (land transport).

DL 466 amended at depth Law 12.041 (Merchant Marine Development Law). The following subjects, among others, are affected: criteria of Chilean nationality, Special Acquisition Fund, readjustment and re-valuation of assets, cabotage, tax exemptions, charters of foreign vessels. DL 500 establishes the regime under which foreign vessels may fish in Chilean waters.

DL 514 and 515 provided for readjustments in public works' contracts and for payments for expropriations not made, but agreed upon as of December 31, 1973. Readjustments may also take place beginning January 1, 1974.

The Ministry of Transportation was created by DL 557 with the powers now held by the Sub-Secretariat of Transportation under the Ministry of Public Works, and DL 558 created a Ministry of Coordination to encompass the economic activities of the Ministries of Treasury, Economy, Agriculture, Mines and ODEPLAN.

In the labor and related areas, DL 446 readjusts remunerations in the public and private sectors, as well as "vital wages" which now correspond to the minimum wage; Labor Decree 314 establishes labor study commissions in the provinces; DL 449 regulates the maximum rent; DL 472 affects the Social Security Regime; DL 507 granted workers a bonus in anticipation of future wage readjustments; Labor Decree 188 regulates the working hours for agricultural workers; DL 550 again readjusted remunerations in the public and private sectors; DL 539 affects the employer's responsibilities with regard to housing credits and Social Security; Decree 75 approved a regulation of DL 307 (1974) with regard to family benefits.

In the economic, financial and related areas the following legislative and ministerial activity is noted: Treasury Decrees 442, 1878, 746 cover the subjects of tax payments by banks, the Minimum External Common Tariff of the Andean Pact and extension of import exemptions, respectively; DL 455 regulates financial credit operations and establishes the bases which underlie the new regime. DL 455 also established that financial institutions will be subject to the norms set by the Superintendency

of Banks, repealed Art. 2199 of the Civil Code which prohibited readjustments, modified Art. 640 and 766 of the Commercial Code, and added a new Art. 781 to the Code. D.O. of June 3 clarified DL 455 relative to interest which may be charged in a financial transaction; DL 482 modified Art. 11 and 149 of the Tax Code relative to guarantees; DL 489 established that the copy of the minutes of a meeting in which joint expenses are agreed upon may be used in executory proceedings; DL 513 prohibits members of the Textile Industry Superintendency from serving in the Boards of textile companies; DL 536 gives the National Motor Vehicle Commission jurisdiction over all matters on the subject; DL 545 modified Law 4657 by requiring consultation with the Superintendency of Corporations before issuance of debentures; DL 561 establishes that debts of the private sector resulting from acquisition of goods and services and for which a deposit has been made in *escudos*, become public debts; Central Bank Resolution (D.O. June 20, 1974) authorizes persons having the right to repatriate capital or profits under the Investment Law or Art. 15 or 16 of the Exchange Law to deposit the amounts in *escudos* and obtain the corresponding foreign exchange, and Central Bank Resolution of May 14, 1974 establishes the amounts allowable for travel outside Chile (\$360 to Latin America and \$720 elsewhere.)

Decree Law 600 (1974) repealed the Investment Law (No. 258, 1960) and promulgated Chile's new Foreign Investment Law with an effective date of July 13, 1974. The law is extensive and regulates investments in Chile by foreigners and by Chileans with more than three years consecutive residence abroad. As in other countries, foreign investment is not allowed in fields reserved by law for national investments (public or private.) Each investment venture will be submitted to the Committee on Foreign Investments which will be guided by existing legislation and overall by the contribution which the venture will make to the economic development of the country. Contracts will be entered into between the foreign investor and the President of the committee with normal duration of ten years, but longer periods are contemplated. The decree pledges no discrimination, equal treatment with domestic capital, and compensation in the event of a change in the contractual conditions. Repatriation of capital and profits, i.e., the conditions under which these will take place will also be covered in the basic contract. The decree also provides for certain tax and customs exemptions.

DL 453 approved the International Convention for the Protection of Artists and Phonogram Producers (Rome, 1961). On July 20, Chile and Brazil signed a technical cooperation agreement.

On April 15 Chile deposited its ratification (with a reservation) to the American Treaty on Pacific Settlement of Disputes (Bogota, 1948).

## COLOMBIA

Decree 387 (1974) originating in the *Ministerio de Hacienda*, regulates in part Decree 1900 which is Colombia's internal implementation of Decision 24 of the Andean Pact. The regulation deals with the narrow subject of how foreign investments may be made in foreign banks and other financial institutions in Colombia. The accepted modes of investment are (1) capitalization of profits and (2) reinvestment of prior earned surpluses. When special circumstances justify, authorization to make new direct investments in other ways may be granted by the Government.

The entire subject relating to methods and procedures for turning over lands belonging to the State to private parties is contained in Decree 389 (1974). The Agrarian Reform Institute is given complete jurisdiction to process the land grants.

The Ministry of Communications, in Decree 356 (1974) issued regulations concerning the requirements which must be met by persons desiring to work as radio or television announcers. A foreigner may receive a limited license to work as announcer provided certain minimum requirements are first complied with: (1) marriage to a Colombian or residence in Colombia for ten years, and (2) proof of at least three years experience as an announcer.

Circular 046 (1974) promulgated instructions relative to Certificates of Deposit; Circular 047 (1974) clarified Circular 018 (1974) relative to letters of exchange used in loan guarantees.

Decree 559 (1974) authorized the *Instituto de Mercadeo Agropecuario* (IDEMA), together with other entities, to organize a business association for the industrialization and commercialization of the cattle industry and to render technical services to the cattle growers.

The Superintendency of Industry and Commerce was reorganized under Decree 623 (1974).

Decree 638 (1974) revises the administrative structure of the Superintendency of Business Associations.

Port Security Committees and Coordinating Boards for Maritime and Port Affairs were created in certain ports by Decree 978 (1974).

The Ministry of Agriculture, through Resolution 145 (1974), authorized the Colombian Agriculture and Cattle Institute (ICA) to establish a Technical Assistance Fund for farmers and cattlemen.

The Monetary Board of the Central Bank, by Resolution 27 (1974), fixed 17% as the maximum interest which banks may charge in their loans to industries.

Decree 971 (1974) sets out for the first time a set of specific norms governing the activities of non-bank financial institutions operating in Colombia. Responsibility for enforcing and implementing the norms is given to the Superintendent of Banks.

The Council of State has declared the unconstitutionality of the law setting up Regional Funds (*Fondos Regionales*). Under the Regional Funds law the vast majority of employers were required to turn over to Regional Funds all the reserves held by them on the unpaid severance payments owing to workers wrongfully discharged.

In Circular 03-070 (1974), the Banking Superintendent issued an opinion to the effect that the statute of limitations for an action on a cashiers check is ten years.

The Department of the Treasury has issued regulations on those Commercial Code provisions which obligate merchants to keep books. Decree 1098 (1974) spells out the various penalties and sanctions applicable to specific violations of the rules.

A May 13, 1974 resolution of the Monetary Board authorizes the settlement of import and export bills in hard currencies other than the U.S. dollar, but the operation is subject to prior approval by Colombia's Foreign Commerce Institute.

On July 23, 1974 Colombia and Cuba signed an agreement relating to hijacking of aircraft and naval vessels.

## COSTA RICA

The Family Code has become effective (Law 5476 of December 21, 1973). The new code consists of a Preliminary Title covering general provisions such as the duty of the State to protect the family (Art. 1).



The unity of the family, the welfare of children and minors, as well as the equality of rights and duties of the spouses are set forth as fundamental principles for the application and interpretation of the Code (Art. 2). Art. 4 provides that there will be no difference in the rights and obligations between parents and children, even though the children be born out of wedlock. In general, Title I deals with marriages and covers matters relating to impediments, prohibitions, annulments, etc. Specific chapters in Title I deal with civil effects of a Roman Catholic marriage, the marriage ceremony, the patrimonial regime of the family, divorces, legal separations, and void marriages. Title II covers paternity and filiation, including adoption. Title III deals with parental authority or *patria potestad*, and Title IV deals with maintenance of children. Title V covers the subject of tutorship.

The organic Law of the Ministry of Public Security became effective on December 24, 1973 as Law No. 5482.

#### DOMINICAN REPUBLIC

The Dominican Republic and El Salvador signed an agreement to promote mutual trade in February 1974, and it is reported that negotiations are going on with Venezuela for trade agreements covering Dominican exports of certain commodities in exchange for Venezuelan oil.

Decree 4280 (1974) regulates the production of refined sugar.

A Congressional Committee has submitted a draft law on foreign investments to the Government, which, among other things, proposes restrictions on foreign investment in communications, public services, banking and farming. A proposed law legalizing the Communist Party is under discussion.

Law 644 (1974) provides for a tax of 5 cents per ton on all goods imported or exported through Dominican ports.

#### ECUADOR

The period March 20 - July 23, 1974 was one of relative inactivity in the field of legislation, attributed perhaps to the desire of Government to proceed slowly and with caution so as not to repeat the experiences of the Military *Junta* of 1963-1966 which, through hasty legislature action, created an atmosphere of uncertainty among the citizenry. The present

Legislative Commission, after some changes in personnel, is hard at work but its efforts are being carefully reviewed in order to insure sound legislation. Accordingly, developments in the treaty area predominated during the above period. In this particular area the following are noted: (1) Agreement with Japan relating to the construction of a Thermal Center (R.O. 528, April 5, 1974); (2) Agreements with Switzerland concerning Training of Agricultural Technicians (D.S. 576, 1974) and Cereals (D.S. 577, same date); Cultural Agreement with Guyana (D.S. 705, 1974); Cooperation Agreements with Mexico's Foreign Commerce Institute (R.O. 601, July 22-23, 1974); Industrial Information Agreement with Mexico's National Council of Science and Technology (R.O. 601, July 23, 1974); Agreements with Spain on Irrigation (D.S. 560, 1974) and Hydroelectric Studies of the Ecuadorean Andes (D.S. 705, 1974); Agreement with the OAS relative to the IX Meeting of CIES (D.S. 284, 1974); and Cooperation Agreement with the Ebert Foundation in the Social and Economic areas (R.O. 553, 1974).

Internally, D.S. 318 (1974) affected the minimum salary and created the National Wage Council; D.S. 319 (1974) froze prices on locally produced products, as well as those in commerce in the country; D.S. 327 (1974) codified and modified the Organic Law of the National Development Banks; and D.S. 367 (1974) promulgated the Tourist Development Law. Additionally, on April 4, a new Import Tariff Code became effective. The new legislation reduces import duties on specified goods, machinery and raw materials essential to Ecuadorean industries.

It is further reported that the Legislative Commission has finished its work with regard to the new Civil Procedure Code and the Commercial Code.

## EL SALVADOR

Decree 542 (1974) amends extensively the Law of the National Financing Institution and Savings and Loan Associations (Law 282, 1963) on the premise that the structure of the Financial Institution and the Savings and Loan System should be brought in tune with the times.

A Financing and Guarantee Fund for Small Business was authorized by Decree 565 (1974) to issue and sell bonds up to 20 million *colones* in value.

A commercial treaty with Hungary entered into force on May 2, 1974 per Decree 580 (1974).

The Income Tax Law (Law 47, 1963) was modified by Decree 581 (1974).

Decree 598 (1974) seeks to encourage the fishing industry, particularly the sector organized in cooperatives through amendments to the Fisheries Law (Law 1961, 1955).

The functions of the Ports Authority Commission—an autonomous governmental entity—were broadened by Decree No. 599 (1974). The Commission (CEPA) was created by Decree No. 455 (1965).

A new international airport in the Department of La Paz was authorized under Decree No. 600 (1974). The new decree is based on the insufficiency of the present Ilopango airport to handle the increased air operations expected in the future.

Decree No. 48 of June 7, 1974 regulates the Special Law for Resident Renters (*Ley Especial para Residentes Rentistas*) which provides incentives for foreigners desiring to take permanent residence in El Salvador (Decree 476, 1973, 6 *Law. Am.* 445, 1974).

The Tenant's Law was modified by Decree 624 (1974) which freezes rents of 500 *colones* or below to December 31, 1973 levels. Certain exceptions are set forth in the amendments.

The Central American Convention of Fiscal Incentives for Industrial Development, promulgated in El Salvador by Executive Decree 47 (1971) was modified by Decree 55 (1974). The new decree, *inter-alia*, gives the Administrative Authority added powers in the area of import duties, and is based on an agreement reached at a meeting of Vice-Ministers of Economy held in Guatemala on 23-24 July, 1974.

## GUATEMALA

On March 14, 1974, the Ministry of Economy, promulgated *Acuerdo* No. 20 (1974), modifying Arts. 113, 114, 115 and 116 of the Regulation to the Central American Convention of Fiscal Incentives for Industrial Development, as well as the Convention's Protocol giving preferential treatment to Honduras.

Governmental *Acuerdo* 25 (1974) gives Ministers and other government entities authority to renegotiate contracts upon fluctuation of prices, or if other basic changes in the terms of the contracts take place.

Decreé 25 (1974) promulgates the National Tourist Development Law.

The ratification of Guatemala to the Convention on the Production and Storage of Bacteriological and Toxic Arms appears in the *Diario Oficial* of April 10, 1974.

Decree 68 (1973), published on June 4, 1974, modifies Art. 20 of the Income Tax Law and affects the time period in which the income tax declaration must be presented.

Decree 49 (1974) grants amnesty for certain political crimes and related offenses.

The Sport's Law was modified by Decree No. 3 (1974).

Decree 50 (1974) modifies the Customs Duties Schedule, specifically certain export duties.

The forestry policy of the country was affected by two decrees: (1) No. 51 (1974) relates to the Organic Law of the National Forestry Institute; and (2) No. 58 (1974) promulgates a new Forestry Law which derogates the previous law on the subject.

Decree 59 (1974) extends for one year, ending on June 30, 1975, the time to register in the Commercial Register.

## HONDURAS

*Acuerdo* 906-A (1974) regulates the establishment and operation of gambling casinos in Honduras. Art. 3 provides that licenses will issue to persons or juridical entities domiciled in Honduras and which, among others, fulfill the requirement to operate in a first class tourist establishment in which the fixed investment must be not less than one million *lempiras*. Art. 12, on the premise that the casinos are tourist centers, prohibits gambling by Honduran nationals except for those who have demonstrated they possess economic solvency; minors under eighteen are also precluded from gambling. The Government's share of the proceeds is 15% of the net profit, per Art. 16. Incentives to the licensees include a 50% exemption from income taxes for the first five years of operation, and the customary custom duties exemption for materials, equipment, etc. unless these are available locally (Art. 33).

Relying on modern approaches concerning the punishment of criminals, Decree-Law 130 (1974) establishes a pilot project in the village of

Tamara to rehabilitate women who have been sentenced to jail for criminal offenses. The object of the project is to ameliorate the harshness of the punishments under present laws and to substitute for existing sanctions treatment designed to prevent future crimes. Education of the women assigned to the Women's Center for Social Adjustment will play a large role in the rehabilitation process which includes permission to work outside the Center, and limited restriction during weekends. The new decree-law is based partially on recommendations made by the United Nations with regard to the treatment of persons incarcerated.

Decree-Law 135 (1974) created the National Investment Corporation whose objective is to contribute to the economic development of the country by encouraging the establishment of new industrial concerns and the growth of existing entities. The Corporation is further charged with the organization and implementation of a natural capital and securities market (Title I). Title II covers the Corporation's functions and operations which include very broad powers to carry out its principal objectives. Title III deals with patrimony and resources which, among others, include (1) grants by the State; (2) contributions from private banks, insurance and finance companies; (3) contributions from business entities benefitted under the Industrial Development Law, the Central American Convention on Fiscal Incentives, or Decree-Law 49 (1973); and (4) investments by private parties. Banks and other entities mentioned in (2) above are required to participate with a sum equivalent to 10% of their capital and reserves with which they operate in Honduras, as of December 31, 1973. The participation of the entities covered in (3) above will amount to 10% of the sum of customs duties and income taxes from which they have been exempt by the Government. Title IV covers the Board of Directors which will be composed of four representatives from the State, two from the banking industry, and one from participating industrial concerns. Members of the Board must be Honduran citizens; other provisions of Title IV spell out the duties and responsibilities of Board members. Title V pertains to the management of the Corporation and covers, in general terms, the responsibilities of management personnel. Title VI (Final Provisions) expands some of the provisions covered in preceding Titles and establishes the day the law is to become effective (July 29, 1974).

All persons and entities receiving income or profits must register under Decree-Law 102 (1974), promulgated to improve tax collections.

## MEXICO

Art. 107 of the Mexican Constitution relating to *amparos* was amended (D.O. March 20, 1974).

A decree in D. O. March 15, 1974 provides fiscal subsidies for small and medium-sized industrial enterprises, or those to be established in Mexico's northern border and free zones. The aim is to stimulate enterprises producing articles for domestic consumption in the northern border and free zones and those devoted to processing farm commodities. The decree also applies to exporting companies and workshops doing repairs or small assembly operations for foreign customers. The criterion used to classify enterprises as small or medium-sized is that capital stock, capital reserves and undistributed profits shall not exceed 5 million pesos.

According to the decree's provisions, this type of enterprise may apply for exemption from the general import duty levied on incoming machinery and equipment and raw materials up to the amount of the total duty in the first case and three-fifths in the second. They may also apply for permission to make temporary imports of materials, later to be exported. The import duty on raw materials is subsidized only when domestic supplies are inadequate or not competitive in quality, price and delivery. The decree will be in effect for ten years, starting April 1, 1974. In order to receive these benefits, enterprises must be Mexican-owned during the time of concession; the minimum domestic content of production must be 20% in relation to the direct cost of manufacturing, and sales prices to the public may not be higher than those in the international market. Enterprises receiving such subsidies may sell and compete in across-the-county markets provided they can show the Ministry of Industry and Commerce that they will not do so under the protection of artificial advantages. They will then be given the necessary authorization, once they have paid subsidized import duties.

A Development and Guarantee Fund for Workers' Consumption (FONACOT) was created by decree (D.O. May 2, 1974). The primary purpose is to protect the purchasing power of wage earners. FONACOT has been organized as a public trust fund and operates through the country's existing bank system. Its major function is to endorse consumer credit for workers and make them regular recipients of this type of bank service for the purpose of durable consumer goods and services. At the same time, the Fund will work to facilitate the sale of goods to wage earners by setting up a chain of stores, already stipulated in Art. 103 of

the Federal Labor Law, as well as supply and consumption centers and cooperative consumer societies. FONACOT will permit even workers earning the minimum wage to use normal credit channels. It will also be possible for several members of the same family to obtain loans and make payments jointly so as to satisfy their consumption requirements more adequately. Creation of FONACOT is another step in the development of the Government's policy to give priority to social objectives.

The regulation relative to National Credit Institutions and Auxiliary Organizations was modified by decree (D.O. May 6, 1974).

The international regulations of the Secretariate of National Defense are found in a regulation published in D.O. May 20, 1974.

A decree (D.O. May 31, 1974) designates the ports which are operational within the Republic.

A May 1974 decree introduced a federal investment program for local states, designed to establish intersectoral public investment priorities. The decree aims to decentralize development decisions regarding states and territories and to stimulate economic activity throughout the country.

The Federal Law on Tourism Development (1974) sets up a system of coordination and programming for Federal Government agencies engaged in the promotion and development of tourism activities. It aims at improving services, balancing supply and demand, protecting tourists and keeping prices at a level competitive with those of markets abroad. The Department of Tourism is responsible for programming and developing national tourism activity and must authorize all plans and projects in this field. It is assisted by the Executive Interministerial Tourism Commission, charged with the coordinated solution of matters related to federal agencies involved in tourism activities. In the task of promoting cultural exchange within Mexico and helping to integrate its inhabitants into a national unit, special attention is given to the promotion of low cost tourism, referred to as "social tourism" in the Law. The Department of Tourism is charged with fostering this type of activity by means of low-priced family or group plans and packages. These programs will be available during holidays, and special plans will be set up for groups of students, teachers, civil servants, workers, tradesmen and farmers. In conformity with the Federal Agrarian Reform Law, the Department of Tourism, in coordination with the Department of Agrarian Affairs and Settlement, will promote the creation of farm community tourism enter-

prises in appropriate areas, thereby generating employment in rural zones and creating new development pools. They will receive technical assistance from the National Ejido Development Fund, in cases where the Fund participates financially, and will promote the establishment of training centers for the rural labor force. National tourism development areas, whose natural, historical or cultural characteristics constitute an attraction for visitors, will be the responsibility of the Department of Tourism, in coordination with local state governments. The growth of tourist activity demands a financial system to support the implementation of plans and projects. To this end, the law provides for creation of a trust, to be known as the National Tourism Development Fund, to finance tourism programs. The new organization merges the Tourism Guarantee and Development Fund and the Tourism Infrastructure Promotion Fund into a single juridical body. The Fund is empowered to channel investments into tourism areas and projects of national interest, and shall acquire and administer the real properties required for this purpose. Its financial resources will be composed of contributions from the federal, state and municipal governments, public agencies and enterprises, private individuals, national and international borrowings and the revenue produced by its own activities. When foreign investors are involved in tourism projects, the Department of Tourism shall request a decision on the matter from the National Commission on Foreign Investment. To enjoy the benefits of the Federal Law on Tourism Development, those providing tourist services must register with the Department of Tourism. They will be eligible for inclusion in the national catalogue of tourism development areas, registration in the National Tourism Registry and will receive a certificate permitting them to carry out their operations. Those providing such services will be required to cooperate with the national tourism promotion policy as formulated by the Department of Tourism, comply with contracts established with users, apply the rates in effect, advertise without compromising the national dignity or altering or misrepresenting historical facts, and furnish accurate information on the services they provide.

An *Acuerdo* in D.O. June 14, 1974 authorizes national and juridical persons, upon request, to construct marinas for purposes of tourism.

The Stock Exchange regulations are set forth in a regulation found in D.O. June 19, 1974.

D.O. July 17, 1974 contains an *Acuerdo* ordering a Census of Human Resources in the public sector. The objective is to use the statistics obtained to improve personnel administrative policies and systems.



The following international agreements were approved (D.O. May 27, 1974): Convention on Elimination of all Forms of Racial Discrimination; Convention to Prevent Sea Pollution Through Discharge of Wastes and Other Matters; Bilateral Air Agreement with the United States; and, Commercial Agreement with the USSR. The Act of Paris of the Berne Convention for the Protection of Literary and Artistic Works; the Convention for the Prevention of Illicit Acts Against the Security of Civil Aviation; and Amendments to the Constitution of the International Labor Organization were also approved (D.O. June 4, 1974).

In D.O. of July 1, 1974 there are found the resolutions adopted by the XVI World's Postal Congress, Tokyo (1969).

The Convention between Mexico and Cuba on Illegal Seizure of Aircraft and other Vessels, plus other Crimes (Havana, June 7, 1973) was promulgated in D.O. July 17, 1974.

The Government of Mexico has agreed to establish diplomatic relations at the ambassadorial level, with Hungary and Bulgaria.

A Committee of Experts studying reforms to the Constitution, Civil Code and other basic laws relating to women's rights in the labor area has presented an extensive report to the Secretary of Labor. It is expected that many of its recommendations will become the law of the land, and that the position of women, within the labor force, will be enhanced in the near future.

## NICARAGUA

The new Nicaraguan Constitution came into effect April 24, 1974 with its publication in *La Gaceta*. While some changes in the structure of the Government have been made (discussed below), of greater interest to business interests in Nicaragua will be changes made in the rights and guarantees of Title V. Under Art. 105(16), the right to strike is now guaranteed to workers, including those in small industry and domestic services. Art. 105 also extends the obligatory weekly rest to small industry and domestic services workers, day laborers and agricultural workers. To insure workers' safety and health, the state now has a constitutional duty to supervise companies (Art. 88). Previously this supervision covered only industrial and mining companies. The new Constitution still recognizes freedom of contract, commerce, and industry. However, a new sentence added to Art. 65 allows temporary restriction

of this freedom in cases of general or national interest. The right to prior compensation for private property confiscated for public use, or in satisfaction of a judicial sentence or general tax has also been modified. Art. 82 provides that in cases of national emergency or public calamity or when dealing with uncultivated *latifundias* for purposes of agrarian reform, compensation may be made in the form of bonds. A national emergency may be declared by the President, in Council of Ministers, in case of public disaster due to unforeseeable natural events or other similar causes (Art. 196). Property rights in industrial and agricultural patents, models, trade marks or trade names are now constitutionally guaranteed by Art. 94. Art. 67 makes clear that the prohibition against monopolies does not prevent the granting of privileges for a limited time to those who invent or perfect an industry. Property rights in land in a band twenty kilometers wide along the terrestrial borders may now be acquired and held only by certain native Nicaraguans, by natives of states with no similar restrictions and by companies which are more than 51% owned by Nicaraguans (Art. 87). Of interest to other governments may be changes made in Title I. Art. 4 authorizes treaties for the temporary use of Nicaraguan territory for national or continental defense. Eliminated is the limitation that the use must be by an American power. The restriction that the use be only for the time absolutely necessary has been clarified; the criteria for determining when the use is to be halted are to be exclusively those of the Nicaraguan government. A new Art. 5 stresses the desire of the Nicaraguan people for the reconstruction of a unified Central American country and authorizes treaties for total union or progressive political, juridical, social, cultural and economic integration. Authorization of treaties in promotion of an inter-oceanic canal in Nicaragua has been deleted from the new constitution. The predisposition toward Central American unity is also present in Art. 74 which combines two previously separate articles to prohibit Communist activities, but assures state protection of lawful activities tending toward Central American unity. This theme is also present in Art. 17(5). Conditional on reciprocity, this article grants Nicaraguan citizenship to requesting citizens of other Central American countries, resident in Nicaragua. Under Art. 19, citizens of other American countries and of Spain may now become naturalized Nicaraguan citizens after only two years of residency, while ten years residency is required for other aliens. Marriage to a Nicaraguan is also a basis for naturalized citizenship under the new Constitution. Certain constitutional changes have been made in regard to Government officials. The terms of office of the President and Congressmen have been expanded to six years. Su-

preme Court justices also have six year terms now; previously they were not removable until retirement at seventy-five. Nine justices instead of seven will be elected by the joint Congress. The number required to sit as a tribunal has been increased to seven. All mention of the Vice-Presidents has been deleted. Congress in joint session is to designate who will act as chief executive when the President is not able to perform his functions (Art. 160(3)). A new Court of Appeals has been established at Estelí (Art. 294). All Courts of Appeals will now have six magistrates (Art. 295). The members of the Electoral Tribunals are to be chosen by the majority and minority political parties and are to serve for six years (Art. 316, 317). Minority party participation has been guaranteed in all aspects of government. Art. 239 authorizes autonomous entities to handle state services in agriculture, cattle business, cultural and social activities in addition to those in industry and commerce. The new Constitution contains more detailed provisions for the enactment of laws (Art. 165) and for partial amendment of the Constitution (Art. 335). Total amendment of the constitution may take place again only after ten years through the calling of a Constitutional Assembly by a special committee of the joint Congress.

Decree 26 (1951) which prohibited trade with Socialist countries has been rescinded.

The Governments of Nicaragua and Spain agreed on June 17, 1974, to permit subjects of their respective countries to enter or leave the other country's territory without a visa or exit permit for stays no longer than ninety consecutive days in duration. The accord implements the Agreement on the Suspension of Visas of February 16, 1962, between the two countries. Subjects of Nicaragua who possess a valid passport may enter the territory of Spain in the peninsula, the Balearic and Canary Islands, Ceuta and Melilla, and remain in the territory for a period no greater than ninety consecutive days without a visa and may depart from the territory without an exit permit. Likewise, subjects of Spain who possess a valid passport may enter the territory of Nicaragua under the same terms stated above. Each country reserves the right to deny entry to subjects of the other country it considers "undesirables". The ninety day limit does not apply to diplomats and personnel of the Diplomatic Missions who may enter and leave the country freely during the duration of their official functions. The agreement went into effect on June 17, 1974, but may be temporarily suspended at any time for reasons of public order. Permanent suspension requires the notification to the other Government at least two months in advance.

Nicaragua has a new Criminal Code [Decree No. 297 (1974)] which went into effect on April 2, 1974. The new Code, which replaces the Criminal Code of 1891, consists of three books: the first entertaining general provisions, the second dealing with crimes, and the third with misdemeanors.

The first book contains, in Title I, general provisions (Art. 1-15), the extension and application of the penal laws (Art. 16-18), and extradition (Art. 19-21). The Code applies to crimes committed within Nicaraguan territory, in the high seas aboard Nicaraguan vessels, and in Nicaraguan aircrafts in free air zones. Outside of national territory the Code applies to crimes committed against Nicaragua or the public peace, the national economy, and to crimes committed abroad by persons in the service of the State provided there was no prosecution abroad because of privileges connected with their functions. The Code, finally, applies to crimes of international character committed abroad (Art. 16). Extradition will proceed according to the articles of the Code without prejudice to stipulations in international agreements (Art. 19).

The State will not extradite its nationals, but if extradition was requested, the subjects will be tried in Nicaragua for the crimes committed abroad (Art. 20). Extradition of non-nationals is regulated by Art. 21. Title II deals with the circumstances which affect criminal responsibility. Rules regarding participation in criminal conduct (Art. 22-27), circumstances which relieve a person from criminal responsibility (Art. 28) and mitigating and aggravating circumstances (Art. 26-33) are all discussed in this title. All persons criminally responsible are also civilly responsible. Rules establishing civil responsibility are outlined in Art. 34 to 52. Title III deals with Penalties (death, hard labour, prison, absolute and special disqualification, confinement, arrest and fines), their adjustment and execution (Art. 53-95). Title IV is concerned with security measures. Suspended sentences and probation are outlined in Art. 103 to 113. The first book concludes with provisions for the extinction of criminal responsibility.

The second book of the Code, divided into fourteen titles, defines various types of crimes, and sets penalties (Art. 126-552). Title I deals with crimes against persons (Art. 126-225) including those against life and injury (Art. 126-153), those endangering life (Art. 154-161), abortion (Art. 162-165), crimes connected with duels (Art. 166-168), injuries and calumnies (Art. 169-210), including sexual crimes (Art. 195-199), corruption of public morals (Art. 200-206) and incest (Art. 210). Art. 211 to 216 deal with adultery and concubinage. Art. 217 specifies

that any person who commits any of the crimes described in Art. 195-206 and 210-216 by abusing his position or authority will be punished with the maximum penalty in each case and defines additional sanctions that may be imposed by the judge. Art. 218 to 220 cover illegal marriage and 221-225 specifies crimes against the civil status of persons. Crimes against individual liberty and other guarantees include illegal detention and kidnapping (226-231) and threats and coercion (232-237). Violation of secrecy (Art. 238-243), residences (Art. 244-248), tombs and cadavers (249-250), freedom of religious expression (Art. 251-254), political freedom (Art. 226), freedom of work, trade and association (Art. 256-259), and freedom of expression (Art. 260-262) are sanctioned by this title. Title IV deals with crimes against property (Art. 263-316). Title V regulates crimes against collective security (Art. 317-345) which includes arson, destruction of means of transportation and communications, and acts against health. Title VI deals with the planting, cultivation and traffic of seeds and plants that produce harmful effects. Art. 338 prohibits the introduction, transportation, cultivation, possession and distribution of marihuana without authorization. The remainder of the title is concerned with the illegal use of drugs and herbs by medical and scientific personnel. Crimes against public administration (Art. 346-350) and crimes against the judiciary (Art. 351-365) follow in Title VII. Crimes peculiar to state officers and public employees are covered by Title VIII (Art. 336-440). Included in this category are abuse of authority (Art. 336-370), disobedience and abandonment of the public destiny (Art. 377-382), negligence (Art. 383-389), misbehaviour (387-389), infidelity in the custody of secrets and public documents. (Art. 390-400), revelation of state secret- (Art. 401-404), misappropriation of public funds (Art. 405-414), fraud (Art. 415-420) and conducting business in conflict with the public interest (Art. 428-429). Title IX deals with crimes against the public faith (Art. 441-492). Included in this category are sanctions against circulation of false currency (Art. 441-451), falsification of documents of credit of the state, municipalities, public establishments, corporations or banks (Art. 451-459), falsification of stamps and seals (Art. 460-472), public documents (Art. 473-476), private documents (Art. 477-478), passports, gun licenses, and other certificates (Art. 479-476). The Act punishes employees who issue false or unauthorized passports or gun licenses and all persons who use false passports, gun licenses or falsify names or other relevant information in these documents. Title X prohibits the unauthorized assumption of public powers or functions (Art. 487-492). Title XI deals with crimes against the public order. Included are subversive associations (Art. 493-498) and terrorism (Art. 499-500). Terrorism provisions are

applicable to those persons who seek to promote unrest and disturb the public order by use of firearms, explosives, tear gas, etc. in public buildings, churches, private homes, streets, and other places of assembly. Also included are the importation, fabrication, transportation and possession of the above items by persons seeking to disturb the public order as well as inciting or directing others to participate in these activities. Acts of sabotage as well as threats against institutions, public officials or private citizens by means of the mails, radio, telephone, telegraph, and other means of public and private communication will be considered acts of terrorism punishable under the above articles of the Code. Title XII refers to crimes against the internal security of the State (Art. 501-527) and includes rebellion and sedition (Art. 501-509), mutiny (Art. 510-512), crimes against the political constitution of the State (Art. 521-523) and piracy (524-527). Title XIII deals with crimes against the external security of the State (Art. 528-545). Included are treason, espionage and revelation of State secrets. Crimes that threaten the peace and dignity of the Republic (Art. 546-548) include, among others, violation of neutrality acts, public treaties, and unauthorized acts that may draw the nation into war. Also prohibited is the desecration of the flag and other state symbols. Title XIV concerns crimes of international character (Art. 549-552) such as genocide and traffic of women and children destined for prostitution, or other illegal purposes. Crimes against the International Order are committed by those persons who at times of international or civil war commit grave acts in violation of international conventions on the use of arms or in the treatment of prisoners (Art. 551).

The third book of the Code deals with misdemeanors. Transitory provisions (Art. 563-565) conclude the Code.

## PANAMA

Honduras and Panama have signed a bilateral trade agreement, and a free trade and preferential exchange agreement was entered into with Guatemala.

On March 20, 1974 Panama deposited its ratification to the Convention on Prohibition of Development, Production and Stockpiling of Bacteriological and Toxin Weapons (Washington, 1972), and on the same date the ratification to the Treaty on the Prohibition of Employment of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and Ocean Floor (Washington, 1972).

Draft legislation to attract the international reinsurance business is under active consideration. The proposed legislation, designed to complement The Banking Law (1970), would, among other things, grant attractive tax exemptions to reinsurance firms establishing in the country.

Effective April 1, 1974 the monthly wage of all workers was raised by the Government.

## PARAGUAY

Paraguay and Brazil, in February, 1974, signed agreements implementing the Treaty of Itaipu, and in June 1974 an agreement covering scientific and technical cooperation was signed with Argentina. Also in June 1974, Paraguay and Argentina issued a declaration covering Latin American integration and the use of the waters of the Parana River, among other items. Further, in the treaty area, a five year technical cooperation agreement was entered into with Spain.

Decree Law 5 (1974) sets out in detail the procedure governing custom declarations and establishes the Custom Valuation Service to regulate the determination of duties.

## PERU

The following Decree Laws (D.L.) Supreme Decrees (D.S.), Supreme Resolutions (R.S.), Directory Resolution (R.D.) and Resolutions (R.), among others, were promulgated in the year indicated.

The energy crisis led to various measures contained in D. L. 20509 (1974), subsequently regulated by D. S. 001-74-INAP and R.S. 010-74-INAP.

D.L. 20522 (1974) establishes norms for the acquisition of maritime vessels.

R.S. 004-74-IT/D.S. (1974) defined "a tourist" and established the requirements for admission to the country.

D.L. 20529 (1974) modifies the Civil Aviation Law and establishes that operating permits for regularly scheduled airlines in international transportation shall not exceed three years. The conditions under which these permits are renewed, or may be modified are also set out in the decree. The new decree was regulated by D.S. 006-74-TC (1974) which,

inter alia, establishes reciprocity as a criterion for the grant, renewal, or modification of operating permits.

The regime of pensions for Civil Service to the State, not covered by D.L. 19990, is set forth in D.L. 20530 (1974). D.L. 20604 (1974) also affected the National Pension System, established by D.L. 19990.

Norms for participation in the oil project *NORPERUAND* are established in D.L. 20538 (1974). Foreign enterprises are not excluded and *PETROPERU* is authorized to contract for required services to complement the project.

D.L. 20541 (1974) extended until December 31, 1974 tax exemptions for operators of land transportation engaged in services to the public.

The National Information (*DIFUSION*) Service was established under D.L. 20550 (1974) for the purpose of presenting the general policies of the State.

D.L. 20598 (1974) established the regime of Social Property Companies (EPS) and the Social Property Sector. The new decree, long debated before it became effective on May 1, establishes a new type of business association composed solely of workers to carry on business activities alongside, and in competition, with existing business entities, public and private. The new entities comprise one of the four pillars of Peruvian society; the others being (1) the government sector, (2) the reformed capitalist sector, and (3) the private small business sector. The EPS has juridical personality and its ownership rests, not in the workers nor the Company, but in the social property sector. The EPS has four main characteristics (1) total participation (*participación plena*) which means that all its workers have full participation in the running of the Company, including sharing of profits, (2) related to the social property sector (*propiedad social de la empresa*) which establishes the entity as part of the social property sector, (3) social growth (*acumulación social*) i.e. the strengthening of the social sector through the activities of the ESP, and (4) continuous training (*Capacitación permanente*) which means continuous education of the worker. The new decree spells out the details concerning the Social Property Company, such as its formation, structure, the rights and duties of workers, the applicable labor regime and patrimony, among others, and seems to reinforce one of the economic objectives of the Government i.e., Management Plurality (*pluralismo empresarial*), a concept which embodies the coexistence of various types of business associations.



Decree 20629 (1974) denies the right to unionize to the workers of the newly established government international airline, *AEROPERU*.

A Press Law, promulgated in late July, 1974, led to the expropriation of Lima's newspapers. The new decree, details of which were not available at the time of this writing, was issued on the basis that it was necessary to open new channels of communication to the people.

## UNITED STATES

The following bills became law: HR 11793 creating a new Federal Energy Administration (PL 93-275); HR 14368, Energy Supply and Environmental Coordination Act (PL 93-319); HR 12412 Authorizing funds for disaster relief to, among others, Nicaragua (PL 93-333); HR 14291 to permit U.S. participation in the international agreement relative to extending the area covered in the International Convention for Northwest Atlantic Fisheries (PL 93-339); HR 15461 (Federal Rules of Criminal Procedure) delaying until August 1, 1975 the date of effectiveness (PL 93-361); S39 (Aircraft Hijacking) providing a more effective program to prevent aircraft piracy (PL 93-366); S2665 (International Development Association) reversing participation in the Association and allowing U.S. citizens to buy and sell gold after December 31, 1974 (PL 93-373). S.J. Res. 229 (Export-Import Bank Act) extending expiration date of the Act (PL 93-374); S3669 (Atomic Energy) amending atomic energy law (PL 93-377); S297 (OPIC) extending OPIC through 1977 and phasing out some of its functions (PL 93- ).

Status of major proposed legislation in the international area follows: HR 10710 (Foreign Trade Bill) giving the President authority to negotiate to reduce barriers to trade. Passed the House and Senate recommendation hearings ended on April 4, 1974 but Senate Finance Committee has resumed; HR 12525 (Sugar Act) extending for five years legislation allocating sugar quotas to domestic and foreign producers—defeated in House on June 5, 1974; HR 15264 (Export Act Extension) allowing more flexible use of export controls to deal with domestic economic conditions—passed by the House. S2744 (Energy Reorganization Bill) establishing, among others, an Energy Research and Development Administration—passed by the Senate; S39 (Aircraft Hijackings) providing improved federal program to prevent hijacking—passed both Houses; S3698 (Nuclear Agreements) enabling Congress to disapprove

international agreements for peaceful cooperation in Nuclear Technology—passed by the Senate; HR 11035 (Metric System) providing for voluntary conversion to the metric system—defeated in House; HR 13113 (Commodity Futures) strengthening federal regulation of trading in commodity futures—passed by House; HR 8193 (Petroleum Imports) requiring that a certain percentage of petroleum imports be carried in U.S. ships—reported out by Senate Commerce Committee; S1988 (Fishing Limits) extending U.S. fisheries jurisdiction to 200 miles from coast—reported out by Senate Commerce Committee; HR 14920 (Geothermal Energy) supporting research in use of geothermal energy—reported out by House Science and Astronautics Committee.

The agreement amending and extending the International Coffee Agreement (1968) was proclaimed by the President on April 8, and on June 21 the Senate approved a one year extension to the International Wheat Agreement (1971).

An agreement with Brazil extending the Shrimp Agreement of May 9, 1972 entered into force on June 24, 1974, and an agreement with Canada amending the Treaty on Extradition of December 3, 1971 was formalized through an exchange of notes in June/July, 1974.

## URUGUAY

On April 18, 1974, the Council of Ministers approved a law (14.178) to promote specified industrial activities leading to the establishment of certain industries within the economic and social developments plans formulated in the national interest. The law will be implemented by an entity, dependent on the Ministry of Industry and Commerce, and which will consider applications from various sectors of industrial activities with the national interest in mind. Once that determination is made, improved production, the extension and/or reform of existing industries, and selected programs of research in applied technology so as to obtain economic utilization of prime national materials will be sought. To promote the national interest there will be various measures of assistance provided through financial organizations according to the various provisions of the law. This assistance includes loans for periods up to twenty years and up to 75% of the operation, loans for the purchase of equipment up to eight years and for amounts up to 80% of the costs of certain equipment. Additionally, there may be loans for obtaining raw materials and for various other purposes. Further, national interest industries will

enjoy certain fiscal benefits, including the exoneration of all or part of certain taxes or certain reductions of the cost of services provided by the State.

In May 1974, through Decree 325/974, the Council of Ministers published the aviation policy to be adopted by the government of Uruguay. A balanced and coordinated policy, within the objectives of security, and the social and economic development of the country, is the goal. Numbering some seventy-nine separate articles, the policy statements touch upon international relations, commercial aviation, agricultural aviation, air freight, as well as flight instruction and space exploration.

On May 9, 1974 a governmental decree affecting the National University was promulgated. In essence, it provides that University professors and other personnel will be dismissed for failure to prove their faith in the democratic system. The decree charges that University personnel have obstructed the fulfillment of University objectives, and authorizes University authorities to seek intelligence information from the police to establish, where indicated, the political affiliations of individuals connected with the University.

Public meetings of the far right movement designated as "Tradition, Family and Property (TFP) were prohibited by a decree issued on May 8, 1974. Considering TFP's ideology radical, extremist and contrary to the preservation of the peace and tranquility needed in the country, the Government's new measure seeks to curb its activities in Uruguay.

The Council of State is analyzing a proposal for the establishment of a special commission which will be charged with making recommendations to reform the Constitution. The origin of this particular development is found in a pronouncement of President Bordaberry on June 27, 1974.

The Export Development Law became effective on June 28, 1974.

On June 1, 1974, Uruguay annulled its government contracts with foreign oil companies, dating from 1948. A limited distribution function will still be performed by the companies affected until the national entity (ANCAP) is in a position to assume a total role in the importation, marketing and distribution of oil.

Uruguay and Argentina have signed a number of economic cooperation agreements and, in addition, established a commission to study a projected customs union between the two countries. The customs union

was formalized in April 1974 and provides for Uruguayan goods to enter Argentina free of duties from January 1, 1975. After two years a gradual extension of similar benefits will be accorded Argentina so that at the end of ten years free trade will be a reality between the two countries.

On April 16, Uruguay deposited its ratification to the Protocol of Amendment to the Charter of the OAS (Buenos Aires, 1967).

## VENEZUELA

With the onset of a new administration, great emphasis has been given to legislative matters, either through laws promulgated by the Congress or through Executive decrees. The Legislative Chambers of Congress — the Senate and the Chamber of Deputies — were installed March 2, 1974, with a majority of the *Partido Acción Democrática* (PAD) in both Chambers. The President of PAD is also the President of the Senate and as such, President of the Congress. In carrying out its initial functions Congress showed a great degree of diligence and interest. However, on April 29, 1974 the President of the Republic appeared before that body and requested extraordinary powers in order to implement certain measures which would delineate the economic policy of the country. The President was given those extraordinary powers for a period of six months, *i.e.*, the latter part of 1974. This report will start with the law granting the President extraordinary powers.

The Law authorizing the President to implement extraordinary measures in economic and financial matters was promulgated in G.O. 30-142, Ex (1974). Under the new law, the President has been given discretion to regulate the economy to achieve the stated goals of the economic development of the country: achieving a better distribution of wealth, stabilizing the monetary system, and preventing inflation. The dual aspects of the law are to set up a national trust fund (*Fondo de Inversiones de Venezuela*) to receive 50% of the revenues obtained from taxing the oil and gas industry. These taxes are to be increased within the guidelines recommended by the *Organización de Países Exportadores del Petróleo* (OPEP). The revenues collected will be used by the autonomous trust fund, which will have its own judiciary, to expand and diversify the Venezuelan economy and develop programs of international cooperation leading to greater economic stability for the country. The President is given virtually dictatorial powers in economic and financial matters. In addition to being given the power to increase the minimum wages

payable in areas not already covered by contracts, the President may make changes in the economic structure to make it more competitive within the objectives of full employment and control of inflation. The President is also to take all necessary steps to protect the country's iron reserves, and to establish the mechanism for reclaiming concessions previously granted in this area (Art. 1). No specific steps or plans are set out in the law for achieving these goals. The Executive may issue decrees dealing with those areas detailed in Art. 1. Where the decree reforms a law, the text of the decree shall be published (Art. 2). The President must inform the Congress in detail of all exercises of the extraordinary powers granted him by this law (Art. 3). Congress will appoint a bi-partisan "watch dog" committee, *Comisión Especial*, which must be consulted before the President can promulgate any decrees under this law. The Commission must also be informed of the status of the trust fund (Art. 4).

Decree 42 (1974) creates a Commission to study and formulate integral reforms to the Obligatory Social Security System.

A regulation of the Ministry of Public Works, promulgated in G.O. 1.644 Ex. (1974) establishes maximum prices for the public sale of pharmaceutical products.

A Basic Agreement of Technical Cooperation, set forth in G.O. 30.366 (1974), was entered into between Venezuela and the Dominican Republic.

The Ministry of Interior Relations promulgated a regulation (G.O. 30.372, 1974) establishing a fifteen day lapse period to resolve petitions for visas.

Decree 55 (1974) creates a Commission to study alternatives for developing the maritime industry.

The maximum annual interest rate that may be charged against debtors for consumer credit is 12%, as established by Decree 58 (1974). One notable exception covers financing for the purchase of automobiles.

Decree 59 (1974) establishes a Commission to study and analyze alternatives to be adopted by the National Government to protect agricultural and other developing industries. Decree 59 was reprinted in G.O. 30.431 (1974) due to printing errors.

In order to stimulate educational opportunity, Decree 60 (1974) provides fiscal incentives by the Financial Institutes of the State in accordance with the Law of the Institute of Educational Cooperation.

The National Executive, pursuant to Decree 61 (1974), will award credit concessions, exonerations and benefits to those industries which aid employment.

Decree 64 (1974) creates a National Iron and Steel Council under the Ministry of Public Works whose primary purpose will be to encourage development of the industry. Decree 64 was reprinted in G.O. 30.835 (1974) due to printing errors.

Operative norms for the Commission charged with analyzing alternatives for advancing the oil reversion were promulgated by the Ministry of Mines in G.O. 30.376 (1974).

The President, through Decree 53 (1974), has created a Commission to study and formulate a program for the organization of areas occupied by poor districts in the cities of the country.

Decree 71 (1974) creates a National Executive Commission to regulate the supply and sale of primary materials for industrial and national consumption.

A Commission in charge of studying the organization and functioning of private educational institutions was established by Decree 87 (1974).

Pursuant to Decree 92 (1974) the dismissal of any worker employed within the national territory is prohibited for a term of thirty consecutive days from May 15, 1974, with the express exception for "justified cause", as established in the Labor Laws.

Article 1 of Decree 48 (1974) states that public service concession to transport persons in vehicles for hire will be authorized only for persons of low economic resources. A Regulation, jointly promulgated by the Ministry of Communications and Ministry of Public Works, defines a person of low economic resource as one having a monthly income of no more than 1,500.00 *bolivares*.

The Ministry of Justice, pursuant to G.O. 30.388 (1974), has created a Regional Committee for each Administrative Region in the National Territory to function as Regional Delegations of the Ministry.

Decree 63 (1974) regulates foreign investment, trademarks, patents, and licenses for the entire economy except mineral deposits, oil and gas, and tourism, which are covered by their own laws (Law of Mines, Law of Hydrocarbons and Law of Tourism). Also excepted are those contracts covered by article 126 of the Constitution (Art. 1). Art. 2, in specifying

what is considered a foreign investment includes foreigners' property (be the foreigner a natural person or a corporation) in industrial plants, machinery, merchandise, dividends, capital gains and interest, among others. The Superintendency of Foreign Investments is established (Chapter II, Arts, 3-18) to study foreign investments, and inform the President periodically on their economic, financial and technological effect on the country. It will also be responsible for approving foreign investment solicitations, contracts for transforming foreign enterprises into national or mixed ones, and contracts dealing with the importing of technology, or with trademarks, patents, and licenses, Chapter III (Arts. 19-36) deals with direct foreign investments. Natural persons of foreign nationality who have a year or more of uninterrupted residency in the country, who comply with the legal requirements dealing with their residency, and who wish to receive the more favorable treatment given to national investors, should inform the Superintendency of their desire to renounce the right to return the invested capital to their native country (Art. 21). The Superintendency determines the requirements for allowing foreign investments (Art. 23), and foreign investors will have rights only after they have been duly authorized and registered to invest or reinvest (Art. 24). The Superintendency must approve or disapprove the foreign investment within 120 days after the foreign investor has presented it with the necessary documents (Art. 25). The President shall determine the general criteria for allowing future direct foreign investments (Art. 26). Without prejudicing the mandate of Art. 26, the Superintendency may authorize direct foreign investments in those enterprises which meet some of the following conditions

1. Industries which incorporate, or can project that they will incorporate, in their products a level of national value equal to or exceeding 50% within a time deemed reasonable by the Superintendency.
2. Industries designed to export their products with a level of national value equal to or exceeding 30%.
3. Those which, in the Executive's judgment, generate a significant national volume of employment.
4. Those established in areas considered by the Executive to be less developed economically.
5. Those which incorporate a technology deemed convenient to the country by the Executive.

6. Those which manifest a tendency to transform into mixed or national enterprises in a shorter space of time than that set out in the Decision 24 of the Cartagena Agreement (Art. 27).

All enterprises' qualifications may be reviewed to insure continued compliance with the original requirements (Art. 28), and foreign investment in a national enterprise is to be allowed only to avoid its imminent bankruptcy (Art. 29). In case of the reduction of the capital of a foreign enterprise, only that part belonging to the foreign investors may be sent abroad, as long as the deduction was previously authorized by the Superintendency (Art. 34). Chapter IV (Arts. 37-39) deals with reinvesting dividends. Only those dividends produced by previously authorized and registered enterprises may be considered for reinvestment (Art. 37). However, 5% of the value of the foreign investment in a registered foreign enterprise may be reinvested annually without authorization (Art. 38). National or mixed enterprises are not subject to this limitation (Art. 39). Chapter V (Arts. 40-46) deals with the utilization of foreign and domestic credit. Contracts for foreign credit to enterprises operating in Venezuela must be authorized and registered. This does not apply to those institutions regulated by banking or national financing legislation (Art. 40). The Superintendency may impose limitations on the credit given (Art. 41). The latter will also determine the maximum amount of interest on foreign credit contracts (Arts. 42-46). Chapter VI (Arts. 47-53) deals with the transformation of foreign enterprises into national or mixed ones. Art. 51 specifies that foreign enterprises established after January 1, 1974 must transform to national or mixed enterprises. Those established before that date are not obligated to transform (Art. 52). Chapter VII (Arts. 54-63) deals with the importing of technology, and the use and exploitation of patents and trademarks. All contracts of foreign, national, or mixed enterprises for the importing of technology, or the use and exploitation of patents and trademarks must be registered with the Superintendency within 30 days of their making (Art. 54). The latter is empowered to determine whether registration may be denied due to restrictive commercial clauses in the contract (Art. 57). Technological contracts entered into after this law becomes effective must include the parties' obligation to train the required national personnel so as to encourage technological research and further the development of the country (Art. 58). Awards will be given by the Superintendency for technological contributions of non-foreign enterprises (Art. 59). Contracts entered into before January 1, 1974 for the importing of technology, and those dealings with patents and trademarks, are to be presented to the Superintendency within 6 months



of the passing of the present law (Art. 61). Chapter VIII (Arts. 64-71) deals with the dividends of foreign investors. There is a maximum limitation of 14% per year which can be earned on capital invested from foreign sources. This limitation is not imposed on nationals who participate in said enterprises (art. 64). When the dividends of Art. 64 enterprises exceed a net 14%, the enterprise may not distribute to the foreign investors any amount in excess of said percentage, except when authorized by the Superintendency (Art. 65). Should such an enterprise distribute dividends to foreign investors in excess of said 14%, it must reimburse the National Treasury. This will not bar an action against the investor (Art. 68). In addition, the Superintendency may cancel such an enterprises' registration, leaving it without authorization to invest or reinvest in the country. In such a case, within a specified time set by the Superintendency, it must sell to nationals the stocks belonging to the foreign investors. Chapter IX (Arts 72-76) deals with the resources available. Should the Superintendency fail to act on any matter, within the indicated time, it shall be deemed denied. The interested party may appeal to the Minister of Development. The Superintendency must inform the former monthly of all unresolved matters (Art. 72). A decision of the Superintendency may be appealed within 15 days of its publication or receipt of notice thereof (Art. 73).

A monthly assessment on all goods stored in areas under the control of the Customs Department is regulated in Decree 97 (1974). Decree 97 was reprinted in G.O. 30.431 (1974) due to printing errors.

Pursuant to Decree 98 (1974) a Port Commission is formed to study and report to the National Executive regarding the convenience of creating an autonomous entity dealing with Ports under the jurisdiction of the Ministry of the Treasury.

The President, pursuant to Decree 108 (1974), has requested the Ministry of Education to give special emphasis to the teaching of conservation along with the necessary preparation of material for that purpose.

The destruction, dredging of canals and discharge of polluted water into the immediate vicinity of any mangrove plantation is prohibited by Decree 110 (1974). Decree 110 was reprinted in G.O. 30.413 (1974) due to printing errors.

The National Conservation Council of Renewable Natural Resources is established by Decree 111 (1974).

Decree 118 (1974) prohibits discontinuing the issuance of credit cards by enterprises that produced and issued the same before April 30, 1974, until rules have been promulgated concerning their regulation.

Decree 122 (1974) establishes a national minimum salary of 15.00 *bolivares* per day, domestic servants excluded. A minimum salary of 300 *bolivares* per month is established for domestic servants whose employers have incomes in excess of 4,000 *bolivares* monthly. Decree 123 (1974) established a general increase in salaries.

A statute establishing a Credit Fund for the advancement of agriculture is set forth in Decree 128 (1974). The Fund will be administered by a Board of Credit comprised of a President, Vice-President and five members.

Decree 129 (1974) establishes a Fund for Industrial Credit in conformity with Article 1 of the Organic Law which authorizes the President to dictate extraordinary measures in economic and financial matters (G.O. 30.142 Ex. 1974).

Pursuant to Decree 133 (1974) all Ministries, Regional Executives, Corporations, Autonomous Institutes and Enterprises must encourage and aid studies for national development made by the Universities and other educational institutions.

The National Executive will promote industrial deconcentration, the installation of new industry in regional areas by means of incentive concessions, and establish zones in the country which need localized industry, through Decree 134 (1974). Decree 135 (1974) prohibits the installation of new industry in the metropolitan area of Caracas and in certain adjacent zones. Medium and small industries authorized by the National Executive and considered necessary for the supply or regular service of the population are exempt.

The National Executive, State Executives, Public Corporations, Autonomous Institutes and State Enterprises that have installations in the different federal entities must effectuate the acquisition of needed goods in their respective localities and contract required services as set forth in Decree 137 (1974).

A Commission has been named to further the creation of the National Fisheries Corporation, as regulated by Decree 138 (1974).

Decree 142 (1974) creates a Commission for the economic and administrative evaluation of the developmental projects in the Northeast Region.

Decree 153 (1974) contains regulations for the Law of Naturalization, and greatly simplifies the procedure to become a Venezuelan national. Among the constructive innovations set forth in the Decree are the following:

- a) The filing of required documents may now be presented to any one of sixty-six Offices of Identification that exist in the country;
- b) the presentation of a certificate of domicile is now eliminated;
- c) the presentation of a certificate of previous criminal offenses is eliminated;
- d) the presentation of a birth certificate is no longer required;
- e) the requirement of proving one's civil status is eliminated; and
- f) the presentation of personal references is likewise eliminated.

Decree 168 (1974) creates a Commission to present recommendations for the organization and coordination of a National Housing Program, along with proposed regulations for construction thereof on the national, regional and local levels.

The Law creating a Permanent Advisory Commission for Foreign Relations was published in G.O. 30.430 (1974).

The Developmental Corporation Law for Small and Medium Size Industry was promulgated in G.O. 30.434 (1974). The primary purpose of the law is to promote programs tending to advance employment and production in those industries.

Regulations to the Accord of Cartagena (Decision 24) have been promulgated pursuant to Decree 62 (1974). Foreign enterprises presently engaged in operations reserved to national companies must convert to national company status by placing at least eighty percent of their shares on sale for purchase by local investors within a period of no more than three years from May 1, 1974.

A statute creating the Investment Fund of Venezuela is set forth in Decree 151 (1974). The Fund's main purpose is to expand and diversify the economic structure of the country.

Partial reform of the regulations that created the National Institute of Sanitary Works is set forth in Decree 164 (1974).

Decree 179 (1974) establishes a minimum national price level regulating the purchase of goods from the agricultural producer.

A National Legislative Commission to render advice to the National Executive concerning the preparation of laws and regulations was created by Decree 194 (1974).

Norms for the organization and functioning of the national Education Council have been promulgated by the Ministry of Education in G.O. 30.433 (1974).

A Commission to revise the preparatory works of the new customs tariff was established in G.O. 30.431 (1974).

The Law of Remission, Reconversion and Consolidation of the Debts of Agricultural Producers was promulgated in G.O. 30.448 (1974).

Decree 124 (1973) regulates partial reforms to the Labor Law, among these, unemployment compensation.

A six month time limit (effective as of April 29, 1974) has been established for the registration of all foreign investments pursuant to Decree 216 (1974).

Partial reforms to the Bank Worker's Law are set out in Decree 226 (1974).

The Ministry of Finance, pursuant to G.O. 30.441 (1974), has ordered that no document be recorded by the Ministry unless a certificate of solvency is first produced.

The Ministry of Public Works has regulated modifications to the organization of the Special Commission for the Development of Southern Venezuela (G.O. 30.448, 1974).

A Cultural Exchange Agreement was signed with Guyana, G.O. 30.448, (1974).

*This report summarizes a select number of statutory enactments and other developments. Therefore, no decision should be made without consulting the complete texts and related materials. Moreover, consultation with a competent local attorney is recommended.*