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Inter-American Bar Association

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INTER-AMERICAN BAR ASSOCIATION

JOHN O. DAHLGREN
Secretary General
Inter-American Bar Association

XVIII CONFERENCE—RIO DE JANEIRO, BRAZIL

The XVIII Conference of the Inter-American Bar Association will be held in Rio de Janeiro, Brazil, August 18–24, 1973, with the *Instituto dos Advogados Brasileiros* as the host association. Under the active and able leadership of its President, Dr. Theophilo de Azeredo Santos, a most interesting program is being prepared by our hosts, and plans are being completed for this meeting which will gather jurists from the nations of the Western Hemisphere to discuss many juridical matters of special interest to all members of the legal profession.

The Headquarters for the Conference will be the *Gloria Hotel*, very conveniently located. A registrant at the Conference must be an individual member of the Association or an appointed delegate of a member association. The American Bar Association and many local State Bar Associations throughout the United States and Latin American countries are member associations of the Inter-American Bar Association.

The Conference work will be conducted through the 20 Committees of the Association which will discuss topics of great importance dealing with nearly every field of the law. Topics for the XVIII Conference will be approved by the Council at its forthcoming meeting to be held in Mexico City, January 29–30, 1973, with the *Barra Mexicana-Colegio de Abogados* as the host association.

From the interest being shown by our members, a very large attendance is anticipated at the Rio Conference. The cooperation and traditionally warm hospitality of our Brazilian colleagues as well as the many attractions offered by the beautiful city of Rio de Janeiro will make this Conference a memorable event.

Further information regarding the XVIII Conference can be obtained by writing directly to John O. Dahlgren, Esq., Secretary General of IABA, 1730 K Street, N.W., Suite #315, Washington, D.C. 20006.

XVII CONFERENCE—QUITO, ECUADOR

In the October 1972 issue of the *Lawyer of the Americas* the full text of resolutions 1-25 adopted by the XVII Conference in Quito, Ecuador, April 24-28, 1972, were published. Resolutions 26-54 follow:

COMMITTEE X. FISCAL LAW

Section A. Taxation

Res. 26

Effects of inflation on taxation

WHEREAS:

Inflation, which leads to monetary depreciation, creates serious problems in economic and tax spheres and while it is not possible to overcome these problems completely, attempts should be made to cope with them to the extent possible;

The aforementioned problems call for relief particularly in the following situations: a) Revaluation of fixed assets at actual values as of the time when the respective replacement is to take place; b) The readjustment of the taxpayer's various assets; c) The computation and adjustment of tax liabilities with respect to increase in value due to depreciation of the money, such increase being economically a fictitious one; d) The advantage of not imposing taxes currently and in the future on the fictitious increase in value; e) In order to offset the decrease in tax collection and at the same time to attenuate the inflationary process, it is desirable to introduce a substitute moderate tax for the sole purpose of promoting the countries' economic development; and f) The revaluation coefficients that are to be established for the purposes mentioned in the situations stated above should be applied to the taxes due the treasury as well as in favor of the taxpayer;

RECOMMENDS

1. That when inflation occurs, adjustments should be made through variable indexes or coefficients to be established monthly to reflect the variations in the purchasing power of the money.

2. That the application of the variable indexes or coefficients for revaluation should be compulsory.

3. That the following should be taken into consideration in determining the taxes due as of the last date of the fiscal year :

(a) The amortization or depreciation of fixed assets shall be based on values brought up to date within their useful life.

(b) The replacement value of the inventory shall be established, account being taken of the above referred to indexes or coefficients.

(c) The differences resulting from the excess of amortization or depreciation in paragraph a) or the increase in the replacement value of goods in paragraph b) shall not be taxable.

4. That in case of sale or exchange of assets there shall be no tax imposed on that part of the gain which is due to the revaluation through the use of the above mentioned indexes or coefficients because of monetary devaluation or depreciation.

5. That in connection with taxation of property, the increase in value produced by the use of the rules described herein shall not be taxable.

6. That in order to offset the decrease in tax collections because of the use of the monetary corrective rules, the Government shall have the right:

(a) To impose a moderate tax in proportion to the margin of value resulting from the said rules, said tax to be applied toward economic development of gross product.

(b) The taxpayer shall have the right to substitute for the tax referred to in the preceding paragraph, the following: i) the purchase of bonds or other obligations of the public sector subject to readjustment with the indexes or coefficients and within the scope of the aforesaid policy; ii) the purchase of securities or investments in the form of shares, contributions or participating in private enterprises which have been licensed by the competent organ of the Government as being in the national interest for economic development for this purpose. In both cases the investment shall be for twice the amount of the tax. The evidence of the investment shall be deposited with an authorized financial institution for a period of 5 years, during which the investment may not be disposed of.

(c) To readjust the amount of overdue taxes pursuant to the aforesaid indexes or coefficients. This readjustment shall not govern in

those cases in which the amount of tax assessed by the tax authorities has been protested in due time and with legal reasons.

(d) In the case of purchase of bonds or other obligations of the public sector referred to in paragraph b) i), these may be paid for in monthly instalments during the fiscal year in which the tax liability arises.

7. That the difference resulting from the said monetary correction shall be treated as follows:

(a) By the setting up of a reserve which shall be capitalized and not distributed as dividends, except by way of issuance of free shares.

(b) The capitalized revaluation due to inflation shall be exempt from all taxes.

(c) Payments of dividends derived from profits created by the revaluation shall be subject to income taxation.

(d) Reserves created by the revaluation shall not be considered as payments of capital due before such reserves were formed.

COMMITTEE XI. LEGAL ASPECTS OF DEVELOPMENT AND INTEGRATION

Section A. Legal Aspects of Economic Development and Integration

* Res. 27

Recommendations relating to the Agreement of Cartagena

A.

RECOMMENDS

To the governments which signed the Agreement of Cartagena that they should study the possibility of forming a commission to study the harmonization of the national laws on cooperatives with the purpose of establishing principles that tend to legally complete the cooperative system in order to obtain, in the shortest possible time, inter-cooperative relations.

B.

WHEREAS:

It is necessary to obtain an effective application of the decisions of the Agreement of Cartagena and that Article 7 of said Agreement, in paragraphs a) and b) establishes that it is the responsibility of the Commission a) to formulate the general policy of the Agreement and to take the necessary steps to achieve its objectives; b) to approve all rules necessary to permit coordination and development plans and harmonization of the economic policy of the member countries.

RECOMMENDS

That when it is necessary to put into effect decisions which the Commission of the Agreement of Cartagena has proposed to the governments of the member countries, on the basis of Article 7, paragraphs a) and b) of said Agreement, or which include subjects reserved for public treaties, or which imply changes in the laws of the member countries, the approval by the governments shall be expressed according to the juridical structure of each government, in instruments having the force of law giving general and obligatory application of said decisions as quickly as possible.

C.

RECOMMENDS

That the governments of the member countries consider that the common systems adopted within the Agreement of Cartagena are obligatory on all those countries whenever they are applicable in all of them.

D.

RECOMMENDS

To the governments of the member countries of the Agreement of Cartagena to eliminate as soon as possible the series of legal and economic impediments to free trade in products, especially those from less developed countries, with the object of accelerating integration and avoiding discouragement of industrial management, thus putting into effect the ideals and principles which inspired the Agreement of Cartagena.

E.

RECOMMENDS

To the governments of the member countries of the Agreement of Cartagena that whenever they agree to a program for harmonizing the instruments and mechanisms for regulating the external trade of the member countries, they do not eliminate the legal and regulatory rules which have incentives for exports, especially from the less developed countries.

* Res. 28

Congress of lawyers

WHEREAS:

The First Congress of Lawyers of the signatory countries of the Agreement of Cartagena will be held in Lima, Perú, to exchange ideas on the new law on integration,

RESOLVES

To support the holding of the First Congress of Lawyers of the signatory countries of the Agreement of Cartagena which will take place in the city of Lima, organized by the Colegio de Abogados de Lima.

* Res. 29

Treatment of investments

WHEREAS:

Foreign investment is a complementary factor to national effort in the development of countries;

It is indispensable that equal treatment be accorded with respect to expropriation of both foreign and national investment;

A Resolution of the General Assembly of the United Nations establishes the right of the expropriated to obtain just, equitable and reasonable compensation, and this principle is recognized in the juridical system of the countries of America;

RECOMMENDS

1. To the American States to affirm their intent to accord equal treatment in expropriations to both foreign and national investments.

2. To the aforesaid States that, in order to accord the equal treatment that is sought for both foreign and national investment in expropriation, they adopt rules which specify the factors which must be taken into account in establishing the amount of compensation, depending upon the nature of the object expropriated.

(Note: Chile voted against)

* Res. 30

Interdisciplinary Commissions in the legislative bodies

WHEREAS:

The complexity of the problems of developing countries and the multiple factors affecting them;

The progress of science and technology in the modern world makes necessary the cooperation of all the scientific disciplines, and

The legislative task as source of rules for the society encountering such problems has become more complex because of the increasing need for information,

RECOMMENDS

1. That the legislative bodies establish, for performing their tasks, interdisciplinary commissions which will permit thorough understanding of the problems to be dealt with.

2. That institutions dedicated to the study and teaching of law promote knowledge of interdisciplinary work for the jurist, to encourage collaboration of law with other sciences.

3. That to understand the structure of modern society the jurists give special attention to the influence of science and technology upon it.

Section B. Labor Law

* Res. 31

Harmonization of Labor Laws

WHEREAS:

The study of progress of comparative labor law in the countries of this hemisphere that are endeavoring to encourage the economic and social development and to attain regional integration, cannot continue as mere legal and academic speculation; and thus, it is imperative that the harmonization of those matters be accomplished in all those countries;

A revision of the principles regulating labor relations is necessary through a coordinated system of legislation which contemplates an improved level of working conditions and also the necessity of stimulating enterprises with the purpose of eliminating differences among the countries which could affect cost of production,

RECOMMENDS

The establishment of a regional entity to assume the specific function of seeking harmonization of the labor laws of those countries and requesting the participation of employers and workers in all institutions created for development and integration.

Res. 32

Occupational safety and health law

WHEREAS:

The purposes of the Inter-American Bar Association include advancing the science of jurisprudence in all its phases, particularly the study of comparative law, and promoting the diffusion of knowledge of the laws of the various countries throughout the Americas;

The United States of America recently enacted the Occupational Safety and Health Act of 1970 to conserve human resources and to provide employment and places of employment free from recognized safety and health hazards, Act which is presently being enforced in the United States

by the U.S. Department of Labor and the Occupational Safety and Health Review Commission of the United States;

All the American States have an interest in exchanging information respecting the enactment, administration and enforcement of such national occupational safety and health laws,

RESOLVES

1. To favor the development of appropriate occupational safety and health laws in each of the American States and, to this end, to urge all members of the Inter-American Bar Association, especially through their respective national and local bar associations, to promote the discussion and development of occupational safety and health laws, where necessary and appropriate, in their respective countries.

2. To favor increased exchange of information respecting occupational safety and health law development among the various American States and, to this end, recommends that the Labor Law Section of Committee XI of the Inter-American Bar Association undertake the collection, translation into Spanish, Portuguese and English as well as the dissemination to the various member associations of the existing occupational safety and health laws of the various American countries.

COMMITTEE XIII. LEGAL DOCUMENTATION

* Res. 33

Latin American Legal Information Center

WHEREAS:

Latin American legislation generally has common origins that might constitute the basis for unifying and classifying the diverse materials dealing with the same subject matter in the different countries represented in the Inter-American Bar Association;

Current communication facilities, data processing techniques, micro-filming and instant reproduction of documents, could be applied in the legal field to provide a valuable contribution to lawyers, legislators, government officials and the public in general;

It may be noted that in most Latin American countries various compilation of laws, decrees, court decisions, and other legal actions have been

published, but with very few exceptions, such works have not been based upon, nor have they incorporated, a scientific method to classification that permits the rapid identification of the relevant legislative provisions or court decisions by reference to their subject matter; and

Every lawyer would like to have at his disposal a comprehensive and well-organized summary or compilation of the legislation of the various countries for use in the drafting of legislative proposals, reports, legal briefs, conference papers and comparative studies,

Legal information, including legislative action and court decisions, is susceptible of systematic analysis and classifying and mechanized data processing, which activity could be instituted immediately with corresponding immediate benefits, utilizing existing and well proven techniques,

RECOMMENDS

1. That the Executive Committee of the Association take the necessary steps to assure the establishment of a Latin American Legal Information Center to be located in the country which offers optimum conditions for its operation, taking into account such factors as communications media, available equipment, maintenance staff, technical personnel and specialists in the classification of legal material.

2. That such a Center, when established, provide the following characteristics, among others:

(a) Classification of legal acts and court decisions of each country, according to subject matter, analysis sufficiently functional and effective to permit the rapid retrieval of any type of information desired by means of modern computerized data processing, microfilming and copying techniques.

(b) Complete official version of all legal acts and court decisions promulgated by the respective governmental organs would be received regularly by the Center from each country.

(c) The information received would be methodically micro-filmed, digested, classified, indexed and processed by computer according to a general program to be adopted.

(d) Any interested person or entity would be furnished information by the Center, according to whatever plan might be established, upon request by letter, telephone, cable or any other media of communica-

tion; the Center would forward one or more of the three main types of information packages, i.e., i) a simple index or list of documents referring to the particular legal matter; ii) a synthesis of the information requested; and iii) full and exact textual copy of the official documents.

(e) The Center would also maintain a library of legal materials of a general nature, classified by country of origin.

3. That a thorough study of the problems involved in the creation and establishment of the legal information Center would be necessary and should be undertaken as soon as possible by a team of experts whose functions would include the elaboration of detailed administrative and financial plans for the development of the project.

4. That the Executive Committee of the Association consider the possibility of obtaining from some of the international organizations that have provided economic assistance for the study and development of similar projects of multinational scope the necessary funds in order to make possible the realization of this project.

* Res. 34

Analytical study of the instruments for legal research

WHEREAS:

In the majority of the Latin American countries a great deal of legal information is published, consisting of laws, codes, decrees, judicial opinions, legislative, judicial and executive agreements, and various matters of this nature;

The lawyer, in order to work in an efficient manner must have this kind of information available and ought to be able to find rapidly and easily any legislation, provision, opinion or similar matters related to the legal problem being dealt with;

The judge, like the legislator, professor and student, needs access to the same sources of information in order to fulfill his duties in the best possible manner.

This implies that the legal information ought to be classified and organized systematically, uniformly and scientifically, by means of indexes, digests, classified compilation and other similar instruments;

The indexes, digests and compilation which are presently to be found in many of the Latin American countries are not sufficiently well prepared to serve the legal system in the best manner possible; and

There already exists the techniques by which to prepare these basic legal research tools, including indexes of laws and jurisprudence, and classified and annotated compilation of the law; various successful projects of this nature having already been undertaken;

RESOLVES

1. To entrust a commission with the analytical study of the instruments for legal research which currently exist in the Latin American countries, in order to evaluate them from all standpoints, both positive and negative; and to submit such study to the Inter-American Bar Association and its member organizations within a period of not more than one year.

2. To support the efforts now underway to initiate new projects with the objective of preparing or improving existing indexes, digests and compilations.

3. To support efforts to establish and maintain communication and interchange of ideas among the persons who are dedicated to the preparation and study of said instruments of research, with the end of unifying criteria and reaching a higher level of technical competence.

COMMITTEE XIV. ACTIVITIES OF LAWYERS

Section A. Professional Standards of Conduct

* Res. 35

Center for the exchange of professional Codes of Ethics

WHEREAS:

The practice of law should be subject to rules of ethics which are in accord with the intellectual, moral and professional qualities relevant to the capacity, loyalty, tolerance, dignity, honesty, impartiality, independence and liberty that should govern the professional conduct of the lawyers.

That for the adoption of a uniform standard, it is indispensable that there be an exchange of the Codes of Ethics presently in force, so that the

basic principles which should guide the professional conduct of the lawyer may be drafted without prejudice to other principles peculiar to each country;

That for the rules of ethics to be effective, professorships for teaching the subject as a required course should be created.

That in the Conferences of the Association held in Lima in 1947 and in Caracas, in 1969, it was agreed to recommend to the member associations to request the universities of their respective countries, to establish, on a compulsory basis, a course in Professional Ethics and Deontology.

RESOLVES

1. To create in America a Center for the Exchange of Professional Codes of Ethics, with headquarters in Caracas, Venezuela.

2. To accept the offer of Drs. Felipe S. Casanova and Leopoldo Palacios, of Venezuela, to direct the aforementioned Center and to recommend to member associations and other professional bodies that they send to the Center copies of current Codes and Rules of Professional Ethics.

3. To recommend to the member associations that they insist with the universities of their respective countries to establish, on a compulsory basis, a course in Professional Ethics and Deontology.

4. To recommend that the enforcement of disciplinary sanctions provided for in Codes of Ethics, be the responsibility of professional organizations of lawyers.

Section B. Assistance and Social Security for Lawyers

* Res. 36

Social Security for Lawyers

A.

WHEREAS:

At the XV Conference of the Association held in San José, in 1967, it was resolved to recommend to the Bar associations of America that they undertake studies for the creation and development of a system of Social Security legal and mandatory upon the lawyer, by means of integrating

that system which is most adequate according to the special conditions of each country. The provision shall include as basic benefits, medical assistance, retirement, life insurance and death benefits.

At the XVI Conference held in Caracas, in 1969, it was declared that to promote the effectiveness of the practice of the legal profession, lawyers should be able to count upon a social security system maintained by public agencies established by law and administered by its own members, without State intervention or responsibility; the system should be cooperative and should provide benefits for contingencies in health, social, economic and cultural fields, in addition to employment benefits.

That the important role of the lawyer in modern society which by entrusting him with the property, honor, liberty and life itself, makes him become an aid of justice and thus deserving of contributions from society and the State towards the functioning of the system.

RESOLVES

To reaffirm the declarations of the Conference held in Costa Rica and Caracas and to recommend to the Governments of the American States the creation and the development of an obligatory social security system for lawyers, established by law, maintained by public legal agencies and administered by its own members, based on the principle of professional cooperation and financed with contributions from lawyers, members of society and the State, in accord with conditions peculiar to each country.

B.

WHEREAS:

The Center for Exchange of Laws and Rulings on the security and protection for lawyers in America, created by a resolution adopted at the XVI Conference in Caracas, in 1969, with headquarters established in the Institute for Social Security, of Buenos Aires, Argentina, has completed its task by presenting for consideration by this XVII Conference, a book entitled "Social Security for Lawyers in America," under the direction of its President, Dr. Segismundo Cortes, and financed by said Institute, to which the Council has voted its appreciation;

The aforementioned book contains the text of the current social security legislation for lawyers, in force in Argentina, Brazil, Chile, Costa Rica,

Perú, Uruguay and Venezuela, and individual monographs on Argentina, Perú and Venezuela, and indicates the countries that do not have such social security and those that have not answered the inquiry made by the Center.

RESOLVES

1. To give a vote of appreciation to the President of the Center for Exchange of Laws and Rulings concerning social security and protection system for the lawyers in America, and to the headquarters thereof, the Institute for Social Security of Buenos Aires, Argentina.

2. To recommend that all countries which have laws on this subject send such laws and individual monographs of the countries, by experts on the subject, for later publication by the aforementioned Institute.

3. To request the cooperation of all countries which have not answered the request for information in order to ensure the success of the future publication.

COMMITTEE XV. NATURAL RESOURCES

Section B. Laws Concerning Agriculture

* Res. 37—N.C.

Creation of an agrarian judicial body

WHEREAS:

Even though the policy of agrarian reform should be established by the National Government, in accordance with conditions in each country, the jurisdictional function of the agrarian reform should be absolutely independent from influence of other branches of the Government, because in a controversial matter where the State's interests are in conflict with private interests the impartiality and independence will be assured only when decisions are made by the judiciary;

The executive agency to implement the agrarian reform as established by the National Government should have sufficient degree of autonomy within the framework of law, of technology and equality, with the aim of achieving the economic and social progress of the country, and the State

and other powers participating in the production and development of the country should be represented in such executive agency.

RECOMMENDS

1. The creation of an agrarian judicial body as an integral part of the judiciary, which will be in charge of cases arising from the application of agrarian reform laws.
2. That the executive agency be completely independent from control by other branches of Government in order to maintain impartiality in the application of agrarian reform.

COMMITTEE XVI. SPACE LAW

Section A. Space Communications

Res. 38

Expanded communications uses of satellites

WHEREAS:

Pursuant to Resolution 45 adopted at the XVI Conference at Caracas, in 1969, the Section on Space Communications of Committee XVI, with the cooperation of the Inter-American Bar Foundation, is engaged in a comparative study of national legislation of the countries of the Americas affecting terrestrial and space communications, including copyright law, with a view to proposing harmonization of basic principles and standards so that legal structures may evolve in step with technological developments;

Compilations of the aforementioned laws of several of the countries of the Americas have been prepared by lawyers in the respective countries, and plans are underway for the preparation and publication of such laws of the balance of the countries;

As pointed out in the Report of the Section to this XVII Conference, technological progress in the use of satellites for regional educational television, meteorological, earth exploration, and aeronautical and maritime navigation services presents consequent legal problems;

In view of recent technological progress in the use of satellites for educational, scientific, and aeronautical and maritime communications,

and in recognition of the importance of a legal foundation to the orderly development and use of such technology,

RESOLVES

1. To request the Section, while continuing its studies of the terrestrial and space communications laws of the Americas, to give special attention to the impact upon national legislation and regional or sub-regional arrangements of the expanded communications uses of satellites.

2. To request the Section also to study proposed new international agreements, and any proposed amendments to those now in force, relevant to such expanded uses, giving particular attention to the subject of intellectual property.

3. To continue, through the Section, its liaison with various organizations such as the Inter-American Telecommunications Conference (CITEL), the International Telecommunications Union (ITU), the World Intellectual Property Organization (WIPO), and the International Telecommunications Consortium (INTELSAT), and its successor organization.

COMMITTEE XVIII. HUMAN RIGHTS

* Res. 39

Respect for human rights

A.

WHEREAS:

Recognition of the right of human beings to life and physical and moral well being, to fair and public trials in which the accused is presumed innocent until proven to the contrary, and the right to a good name and reputation are inalienable and irrevocable rights;

It is unfortunate that in some countries these rights are not respected, persons are deprived of their liberty, imprisoned and placed in solitary confinement and, moreover, they are tortured or subjected to cruel and degrading treatment, and in many cases the death or disappearance of many human beings has not been investigated;

That in order to avoid disclosure of these facts the intervention of lawyers and all means of defense are forbidden;

That one of the objectives of this XVII Conference is to defend and protect the rights of man,

RESOLVES

1. To proclaim the right of all lawyers to intervene in the defense of any person, whatever the alleged offense, and to consider inadmissible any measure that tries to obstruct the free practice of the profession.
2. To repel all attitudes, procedures or resolutions not in accord with respect for human rights as approved and proclaimed by the United Nations and the American Convention on Human Rights, and to censure the Governments that have not respected them.
3. To recommend to the American States the unrestricted respect for human rights and the total abstaining from all acts, procedures or resolutions that could contravene said rights.
4. To request of the mass communications media the timely and public denunciation of any act or procedure that should contravene human rights and asks that they be the permanent defenders of these rights.
5. To declare that it is the right and duty of the lawyers and their organizations to be permanent guardians and defenders of human rights, maintaining a solid front before all persons victimized by tyranny and injustice.
6. To deny the moral value of any resolution, decision or measure issued in non-compliance with the standards of human rights and fundamental guarantees.

B.

RECOMMENDS

To the governments of the American States that they institute and provide writs such as Habeas Corpus, or similar existing writs, before the appropriate tribunals to safeguard individual rights; said writs to be available either as regular actions or as an extraordinary measure for all citizens suffering or having grounds to fear a violation or threat to their individual rights.

* Res. 40 — N.C.

Measures against discrimination

A.

WHEREAS:

Despite the effort made by the United Nations and its specialized agencies, as well as by the Inter-American System, and the laws enacted in most of the American States, there still exists some forms of discrimination for reason of race, sex, religion and others;

Besides the legal rules on the subject, which in many cases are not obeyed, it is indispensable to create a conscience in human beings as to the necessity of punishing any form of discrimination,

RESOLVES

1. To declare that any form of discrimination is contrary to human rights and to recommend that rules issued in this respect should have full force and be effectively applied.

2. To recommend to the American States in which any kind of discrimination for reasons of sex, race, religion or any other, have not yet been abolished, that they adopt proper legal psycho-sociological measures in order that such discrimination be eliminated as soon as possible.

3. To recommend to the American States and to all members of the Inter-American Bar Association that they undertake a permanent campaign through all available means, in order to orient human beings toward the rejection of any form of discrimination and to start creating a new conscience free of prejudice, allowing people to live among all other human beings without any kind of barriers.

B.

WHEREAS:

There still exists in the laws of many American States certain limitations or differences of treatment for the reasons of sex, which are not justified by the biological differences in the nature of man and woman,

RECOMMENDS

To member associations and individual members of the Inter-American Bar Association that, through all available means, they take action before the appropriate authorities of their countries in order to attain that all limitations or differences in treatment for reasons of sex, which are not justified by the biological difference between man and woman, be eliminated from the respective laws.

* Res. 41

Protection of the indigenous populations

A.

WHEREAS:

In accordance with Resolution 1589 (L) of the Economic and Social Council of the United Nations, a Special Rapporteur has been appointed to carry out a general and complete study on the problem of discrimination against the indigenous populations and to suggest the national and international measures needed to eliminate said discrimination, and

The problem of discrimination against native populations has special importance in America due to the high percentage of indigenous people in the region, and it is necessary to cooperate with the Governments and with international organizations in their efforts to eliminate said discrimination as soon as possible,

RESOLVES

1. To request the Secretary General of the Organization of American States that, through the Inter-American Institute for Indian Affairs and the Inter-American Commission on Human Rights, close collaboration be given to the Special Rapporteur of the United Nations in the preparation of the complete study on the problem of discrimination against the indigenous people, by furnishing all the help and information he may require.

2. To request the bar associations and other organizations to collaborate with the Governments of their respective nations in the preparation of the studies and monographs required by the United

Nations for the drafting of such study, with special emphasis on the measures that could be adopted at national and international levels for the elimination of said discrimination.

B. — N.C.

WHEREAS:

In some American States there are indigenous groups that are in the process of extinction due to multiple reasons, like their having been deprived of their natural environment and economic resources, the changes in ecology, their inability to adapt themselves to the demands of civilization, and it is indispensable to find means to protect these human beings and avoid their extinction by protecting their health and lives,

RESOLVES

1. To recommend to the American States which do not have them, to enact laws and adopt urgent measures to save indigenous groups from extinction and to attempt their rehabilitation and development, guaranteeing their existence in ample reservation zones, respecting their customs, reestablishing their natural environment without prejudice to the benefits of techniques and science that may harmonize with their customs and offering them the economic support that may be necessary.

2. To request the Secretary General of the United Nations and other international organizations that they make this fact known to the Sub-Commission for the Protection of Minorities and the Campaign against Discrimination, in order that they urgently provide the necessary means for the protection of these indigenous groups in the process of extinction, suggesting to the Governments and international organizations adequate measures for the safety and development of same.

* Res. 42

National Commissions on human rights

WHEREAS:

The effectiveness of human rights depends largely on the attitude and the action of persons who directly influence cultural and economic levels;

In the struggle of human rights the collective communication media play an important role;

The effectiveness and protection of the fundamental rights of man are mainly the responsibility of the Governments of each nation, especially since those rights are an essential part of the Constitutions and State laws, and

It is necessary to have the encouragement and guidance of a specialized agency in human rights and their specific problems, to carry out in a special way and by adequate means the task of research, education and orientation, and to request from individuals and governmental authorities, the respect, protection and defense of fundamental rights, to propose appropriate legal reforms for the benefit of those rights or leading to the creation of new rights, in the permanent struggle of man for his welfare and betterment, and compliance with the recommendations, treaties and agreements on human rights, internationally approved.

RECOMMENDS

1. To the American States to sanction specific laws by which a National Commission on Human Rights is constituted in each State, with the main purpose of protecting, defending and educating all persons in the significance of human rights.

2. To the National Bar Associations and members of the Association to establish, as an independent and autonomous agency, National Human Rights Commissions, with the aims indicated in the above paragraph and composed of able persons specialized in this field.

* Res. 43

Inter-American Convention on Human Rights

WHEREAS:

Resolution 49 adopted at the XVI Conference held in Caracas in 1969 recommended approval of the Inter-American Convention on Human Rights submitted to the Specialized Conference on Human Rights convoked by the Organization of American States;

1. Said Specialized Conference held in San José, in 1969, approved

the American Convention on Human Rights, signed by eleven American States and which has already been ratified by Costa Rica.

2. The aforementioned Convention requires eleven ratifications in order to become effective which is indispensable in order that international protection of human rights reaches in America the same level of efficiency accomplished by the democratic countries in Europe,

RESOLVES

1. To recommend to the National Associations and other bar associations, members of the Inter-American Bar Association that through all possible means they take steps before their respective Governments that have not yet ratified the American Convention on Human Rights in order that they expedite all constitutional proceedings required so that such Convention be ratified as soon as possible.

2. To request the Inter-American Commission on Human Rights that they intensify the dissemination of the text of the American Convention on Human Rights, in the four official languages of the Organization of American States, to all professional associations, law schools, colleges and other entities of the American nations.

3. To request the Secretary General of the Inter-American Bar Association to make this resolution known to the member states of the Organization of American States, through the Secretary General of that organization.

* Res. 44

Inter-American Commission on Human Rights

WHEREAS:

It is necessary that there exist a close collaboration between the Inter-American Commission on Human Rights of the Organization of American States and the United Nations agencies dealing with the protection of human rights and fundamental freedoms,

For better application and dissemination of the American Convention on Human Rights it is necessary that the regional organization work in close contact with those agencies dealing with this subject on a world-wide level;

RESOLVES

1. To request the Secretary General of the Organization of American States to take the necessary steps so that a representative of the Inter-American Commission on Human Rights attends all sessions of the United Nations Commission on Human Rights and those of the Sub-Commission on Protection of Minorities and Campaign against Discrimination.

2. To bring to the attention of the competent bodies of the Inter-American System the advisability of inviting representatives of the United States Commission on Human Rights and of the Sub-Commission on Protection of Minorities and Campaign against Discrimination to attend the ordinary sessions of the Inter-American Commission on Human Rights.

COMMITTEE XIX. FOOD AND DRUG LAW

* Res. 45

Codex Alimentarius Commission

CONSIDERING:

The necessity of accelerating the harmonization process of the Latin American food legislation, keeping in mind the economic, political and social realities;

The convenience of establishing a greater and more effective coordination, among the governmental and non-governmental agencies of Latin America, in order to more actively participate in the meetings of the Technical Committees and of the FAO-OMS Codex Alimentarius Commission;

The growing weight of the recommendations of the Codex Alimentarius Commission in the legislative projects of the Latin American countries;

The necessity of obtaining the inclusion of Spanish as an official language in the meetings of the technical committees;

The increasing number of Latin American countries that are already part of the Codex Alimentarius Commission,

RESOLVES

To recommend to the Governments of the American States, through the pertinent governmental and non-governmental agencies, that:

(a) More active participation be promoted in the technical committees of the FAO-OMS Codex Alimentarius Commission.

(b) Through the regional representative of the Latin American countries in the Executive Committee of the Codex Alimentarius Commission, coordination be established to obtain the harmonization of the food legislation in the Latin American Countries.

(c) When bringing up-to-date the food laws of the Latin American States, account to be taken of present existing local legislation, the work of the Latin American Food Code, and of the Central American Regulations, adapting them to the basic principles on food legislation recommended by FAO-OMS.

(d) Active promotion be made seeking the adoption of Spanish as a working language of the respective technical committees of the Codex Alimentarius Commission.

COMMITTEE XX. NUCLEAR LAW

Res. 46

*Support of Activities of the Special Legal Committee of the
Inter-American Nuclear Energy Commission*

WHEREAS:

The Special Legal Committee of the Inter-American Nuclear Energy Commission of the Organization of American States has prepared valuable studies on the legal aspects of the transportation of nuclear materials and other radioactive substances, and on legal measures governing radiation safety in the peaceful uses of nuclear energy;

The Special Legal Committee is continuing its studies and activities in connection with the improvement and harmonization of the basic legal standards regarding the peaceful uses of nuclear energy in the American States, including and updated compilation of the texts of legislation of the American States on this subject; a comparative study of such legislation; the possibilities for technical assistance which the OAS General

Secretariat can provide in order to advise the member countries in the field of nuclear energy, including the conduct of courses and seminars for government officials or other persons designated by the governments, and the sending of experts to countries to provide advisory services to the governments so requesting it; the advisability and methods of establishing a system of financial protection against nuclear damage; the development of national and international standards on civil liability for nuclear damage; the legal aspects involved in the possession, use and transportation of nuclear materials and other radioactive substances; the possibility of the adoption of standards with respect to international trade in irradiated foodstuffs; and consideration of the adoption of regional agreements for emergency aid in the event of nuclear accidents, and

The establishment of adequate legal administrative structures and the improvement and harmonization of basic legal standards governing the peaceful uses of nuclear energy in the American States is an essential element in facilitating the development and application of such uses,

RESOLVES

1. To declare that the activities and work program of the Special Legal Committee of the Inter-American Nuclear Energy Commission are of importance and direct interest to the American States in their development and application of the uses of nuclear energy for peaceful purposes.

2. To recommend to the member associations and individual members of the Inter-American Bar Association that they lend their support to the activities of the said Special Legal Committee, and that they send to the said Committee their comments, suggestions or contributions concerning the topics which are mentioned in the preamble to this resolution.

Res. 47

Ratification of or Adherence to the Vienna Convention on Civil Liability for Nuclear Damage

WHEREAS:

It is important to establish and, to the extent possible, harmonize

measures designed to govern civil liability for damage sustained in the peaceful use of nuclear energy;

The Vienna Convention on Civil Liability for Nuclear Damage of May 21, 1963, is the only international convention on this subject with respect to fixed installations which is world-wide in scope; and

Most of the American States have not ratified the Vienna Convention, or acceded to it, nor currently have appropriate systems of financial protection in cases of civil liability for nuclear damage,

RECOMMENDS

To the member associations of the Inter-American Bar Association that they use their good offices to encourage the Governments of their respective countries:

(a) To take the necessary measures to ratify or accede to the Vienna Convention on Civil Liability for Nuclear Damages.

(b) In preparing legislation concerning civil liability for nuclear damage resulting from the peaceful use of nuclear energy, they study the possibility of such legislation being consistent with the provisions of the Vienna Convention, and that insofar as subsequent legislative measures are concerned which, in accordance with that convention, are subject to the discretion of the contracting parties, they endeavor to achieve, to the extent possible, harmonization of such legislative measures among the American States.

Res. 48

Establishment of National Legislation and Regulations Governing Peaceful Nuclear Energy Activities

WHEREAS:

The scientific, technical and industrial development of the uses of nuclear energy for peaceful purposes must be accompanied by the establishment of an appropriate legal system, including measures to protect the health and safety of workers and of the general public; to guard against the diversion of nuclear materials and equipment to improper purposes; to provide a suitable structure governing civil liability and

financial protection for damages caused by nuclear accidents; and to establish an administrative mechanism within which these purposes may be accomplished, and

Many of the American States have not yet adopted adequate legal measures in these respects,

RECOMMENDS

To the member associations of the Inter-American Bar Association that they use their good offices to encourage the governments of their respective countries, to the extent that they have not already done so, to take the necessary steps to establish adequate national legislation and regulations governing peaceful nuclear energy activities, including particularly measures to protect the health and safety of workers and of the general public and a system of licensing the production, possession, importation, exportation, transport, storage, transfer and use of nuclear materials, equipment and facilities, and a legal structure governing civil liability and financial protection for nuclear damage; and that, to the extent possible, such measures be harmonious among the countries.

COMMITTEE XXI. YOUNGER LAWYERS

* Res. 49

Abolition of the Committee

WHEREAS:

The Committee on Younger Lawyers has considered its situation and the causes that impede its effective action arising principally from the economic situation of recently graduated professionals. Also, it has been established that the major interest of younger lawyers is to attend specific meetings of the various committees which analyze subjects of professional and academic interest;

For the aforementioned reasons, the Committee has manifested its conviction that the Committee on Younger Lawyers should be abolished;

The Committee, nevertheless, feels that strong efforts should be made to promote the incorporation of young people into the Association, and in this regard has recommended the creation of a Special Committee to

collaborate with the Executive Committee in the promotion of the membership of younger lawyers into the Association;

This Special Committee would function at each Conference by receiving young local lawyers to explain the purposes and objectives of the Association and promote their incorporation into the respective Committees of their preference,

RESOLVES

1. To abolish Committee XXI. Younger Lawyers from the committee structure of the Association.

2. To create a Special Committee to collaborate with the Executive Committee in promoting the membership of young lawyers into the Association.

MISCELLANEOUS

* Res. 50

Admission of Law Students

RESOLVES

1. To approve the report presented to this XVII Conference by the Special Committee on Admission of Law Students, which reads as follows:

I. For a long time it has been a preoccupation of the Inter-American Bar Association to incorporate young lawyers into the entity. This problem has been uninterruptedly studied since the Conferences in San Juan, San José and Caracas, and at the Council meetings in Caracas, Asunción, Bariloche, Cartagena and Kingston.

Two different means of solution have been explored: the support of the Committee on Younger Lawyers and the limited admission of law students, the latter solution having been suggested for the first time in San José and approved by the Council at its meeting in Cartagena in 1970.

At the meeting of the Council in Kingston, a Committee was appointed to propose the form of realizing this solution.

II. The Committee considers that the incorporation of law students and their admission to the Conferences of the Inter-American Bar Association may be done in various stages, the first being to adopt the system proposed in the project described below, and after making a responsible evaluation of the results, through at least two conferences, it would be decided as follows: a) to abolish this system; b) to continue it in the same manner; c) to advance a step further by incorporating the law students under a special status in the Association.

The proposal of the Committee comprises four different recommendations, to wit:

1. Method of admission to Conferences.

- a) *Selection Committee* — A Selection Committee should be formed to take charge of evaluating the record of the students requesting invitations. The selection would be made on the basis of two students for each independent country or autonomous government, taking into account their academic and personal qualifications. The Committee shall request for this purpose all the information it considers necessary from interested parties, universities, professors and national and local bar associations.
- b) *Candidates* — Shall be those students who so request provided they are already in the last two years of law study in a national, local or private university officially recognized. On the basis of the list of all candidates and on the basis of two for each country, invitations will be extended to attend the Conference.
- c) *Obligations* — The invited students shall attend the Conference with the obligation to comply with the statutes of the Association and shall have a voice and vote in the discussions of the working Committees. In matters referring to the conduct of the Association, they shall have a voice but no vote. The Selection Committee may require the presentation in advance of a paper on a subject chosen by the student, which will be sent by the Committee to the President of the corresponding Committee of the Conference.
- d) *Advantages* — To encourage the interest of the students to be invited and fulfill their obligations, the Associa-

tion should give them some concrete and positive inducement. It has been thought that these advantages could be the *granting of a free air passage* and, of course, the exemption from the Conference registration fee. To obtain the air passages without expense to the Association, the Selection Committee shall request national and international airlines to *grant passages to the students free of charge*, within the conditions established by IATA. Some airlines have already been approached and have offered their collaboration; it is thus possible to be optimistic as to the cooperation of all other airlines.

2. The Committee considers that to adopt this system, there is no need to make any changes in the Constitution and By-Laws of the Association. There is no rule forbidding an invitation to anybody to be present at a Conference and Article X of the Constitution applies only to observers, which status the invited students will not have. The Committee also recommends that in the proposed study for amending the Constitution and By-Laws, the subject of admission of law students be taken into consideration in any eventual modification.
3. The Committee also recommends the abolition of the Committee on Younger Lawyers for the following reasons:
 - a) The Committee on Younger Lawyers has not engaged in *important activities* justifying its existence as a separate Committee, nor has it kept any continuity in its membership. Part of the reason for this problem is the financial aspect and the economic position of newly qualified lawyers who are not in a position to travel to the various Conferences of the Association. In each of these cases, some local lawyers become members since their presence does not involve any great expense, but they do not attend the following Conferences. To keep the Committee on Younger Lawyers would require extensive economic aid which the Association cannot furnish and it would have to manage its own funds, a possibility which was rejected almost unanimously by the Council at its meeting in Costa Rica and in Bariloche. On both occasions, the President of

the Committee on Younger Lawyers expressed his opinion in favor of the abolition of this Committee.

- b) Basically and aside from the economic reasons, there is no reason to maintain the distinction between young lawyers and others; on the contrary, the Committee considers that it would be of great advantage to admit, directly and fully, all young lawyers to the different Committees of their choice so as to begin to obtain experience in the working of such committees and help the executives thereof. At present, young lawyers are grouped together and are not integrated with the remaining lawyers and do not acquire a thorough knowledge of the Association.
 - c) To solve the economic problem it could be established that lawyers with less than 5 years of professional activities should pay smaller dues than those having longer practice.
 - d) Before issuing this opinion, the Committee has been in touch with young lawyers presently members of the Association, with some former Presidents of the Committee on Younger Lawyers and with its present President, and has found all of them to be in favor of this suggestion.
4. The Committee allows itself to recommend two further steps to make more fruitful what has been proposed in paragraphs 1 and 3:
- a) Recommends that Committee XIV. Activities of Lawyers study the difficulties of beginning professional practice by lawyers just graduated; this study should be made with the joint contribution of students, junior lawyers and senior lawyers.
 - b) Recommends the acceleration of the process of ordering and restructuring the Association to benefit to the utmost from the help that young people can give to the Inter-American Bar Association.
2. That the President of the Association be authorized to appoint a Selection Committee with the powers set forth in the above Report.

* Res. 51

Committee on Publications and Press

CONSIDERING:

The project on constitution and functioning of the Committee on Publications and Press submitted by its President and approved by the Council of the Association;

The necessity to give such Committee a structure and an organization that would permit it to start functioning on an organizational and regular basis,

RESOLVES

1. To urge the countries which have not yet done so, to suggest one or more names as members of the Committee, and ask them that in doing so they keep in mind the provisions contained in the project submitted by the President of the Committee on Publications and Press.

2. To name Dr. Pedro J. Mantellini González, of Venezuela, as Vice-President of the Committee.

3. To give regular character to this Committee, in view of the continuing service it must render and to name it "Committee on Publications and Press."

* Res. 52—N.C.

International Law Association

WHEREAS:

The International Law Association (I.L.A.) in the month of August of 1973 will celebrate one hundred years since it was founded;

This illustrious juridical entity, during its long time of extensive and productive work in the service of science and international law in its various forms has made a great effort in carrying out satisfactorily and with profound and untiring spirit, ample knowledge and erudite capacity, the principles and objectives of the institution;

With the praiseworthy purpose of spreading the study and comparative analysis of the aforesaid law, as well as of jurisprudence and inter-

national law, promoting its increasing progress in order to make possible the unification of legislation on this subject and the mutual understanding among the nations, the International Law Association has established branches in many countries which actually number 39 with more than 4,000 members;

In such a propitious occasion as the present XVII Conference of the Inter-American Bar Association, it is appropriate to recognize the date celebrating the one hundredth anniversary of the founding of the International Law Association,

RESOLVES

To express the interest of the Inter-American Bar Association in the important scientific and legal work of the International Law Association as it celebrates its one hundred years of existence.

* Res. 53

World Peace Through Law Center

CONSIDERING:

The intense and fruitful work that is being done by the World Peace Through Law Center by the use of the new system of electronic computers with the purpose of promoting investigation in the juridical field and the interchange of knowledge, data and experience,

RESOLVES

To express to the World Peace Through Law Center satisfaction for its notable effort in support of peace and to offer the most ample collaboration of the Inter-American Bar Association.

* Res. 54

Special Homage

WHEREAS:

The City of Quito has been the site for this XVII Conference of the Inter-American Bar Association; and shall celebrate shortly the 150th

anniversary of the Battle of Pichincha which sealed the independence of Ecuador;

The City of Quito has had a large number of illustrious jurists who have contributed to the development of civil and international law;

Dr. Eugenio de Santa Cruz y Espejo, a distinguished jurist of the City of Quito was a forerunner of independence, a man of science and a strong promoter of freedom,

RESOLVES

To render just and special homage to Dr. Eugenio de Santa Cruz y Espejo as a symbol of liberty and as a defender of human rights.