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REGIONAL AND INTERNATIONAL ACTIVITIES

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ORGANIZATION OF AMERICAN STATES

GENERAL ASSEMBLY

The first special session of the OAS General Assembly was held in Washington, D. C. from June 25 to July 8, 1970. The Assembly made several decisions of great importance to inter-American relations.

Following is a resumé of the major actions taken by the General Assembly at its first special session.

ACTS OF TERRORISM

In Resolution 4, the General Assembly condemned strongly, as a crime against humanity, acts of terrorism and especially the kidnapping of persons and extortion in connection therewith. It also condemned such acts, when perpetrated against representatives of foreign States, as violations not only of human rights but also of the norms that govern international relations.

Furthermore, the General Assembly declared that acts of terrorism constitute serious common crimes characterized by flagrant violations of the most elemental principles of the security of the individual and the community, as well as offenses against the freedom and dignity of the individual, the safeguarding of which should be a guiding criterion of every society. It recommended to the member states that have not yet done so to adopt such measures as they deemed suitable, in the exercise of their sovereignty, to prevent, and when appropriate to punish crimes of terrorism, and to define them in their legislation. It also requested the member states to facilitate, in accordance with their laws, exchanges of information to accomplish the same objective.

Concurrently, the General Assembly charged the Inter-American Juridical Committee to prepare an opinion on the procedures and

measures necessary to make effective the purposes of the resolution. To this end, the Committee should hold a special meeting to begin within sixty days of the closing date of the special session of the General Assembly. In addition, the Assembly charged the Committee to prepare one or more draft inter-American instruments on kidnapping, extortion and assaults against persons whenever these acts could have repercussions on international relations. The Committee is to report on its work to the Permanent Council of the OAS, which may convoke a special session of the General Assembly or an inter-American specialized conference to consider the opinion and the draft or drafts prepared by the Committee.

Finally, the General Assembly expressed, in the same resolution, its adherence to the principles set forth in the American Declaration of the Rights and Duties of Man and in the economic and social standards of the Charter of the OAS.

AID FOR PERU

Resolution 1 of the General Assembly expressed to the people and government of Peru its fraternal sympathy for the tragedy recently occurred in that country; it invited the member states of the OAS to do their utmost to continue contributing assistance to the affected regions; it urged the various organs of the OAS and specialized organizations of the inter-American system to cooperate to the fullest extent possible in this endeavor; and, it urged the international credit institutions to give immediate consideration and priority to loan applications submitted by the government of Peru for the rehabilitation of the devastated regions.

PROTOCOL OF BUENOS AIRES

The General Assembly decided, by Resolution 2, that all the member states of the OAS, whether or not they have deposited their instruments of ratification to the Protocol of Buenos Aires of 1967, shall participate in the work of the General Assembly and of other organs of the OAS on an equal basis, in accordance with the following provisions: (a) With regard to matters that are governed by articles substantially revised by the Protocol of Buenos Aires, or by new provisions incorporated therein, the member states that have not yet deposited their respective instruments of ratification may participate with voice and vote in the work of the General Assembly and of the other organs of the Organization; if they do so they shall

be bound by the resolutions adopted to the same degree as the states that have ratified the Protocol; (b) member states that have not deposited their instruments of ratification to the Protocol shall not be included in the computation of votes when their representatives have stated in the corresponding session of the General Assembly, or in any of the other organs of the Organization, their decision not to participate in the voting on one or more topics related to articles substantially revised by the Protocol or to a new provision incorporated in it. Resolution 2 shall remain in force until the General Assembly again studies the subject at its first regular session provided one or more of the member states has—at that time—not yet deposited the instrument(s) of ratification to the Protocol.

REELECTION OF OAS OFFICIALS

By Resolution 20, the General Assembly reelected Mr. Galo Plaza to the post of Secretary General of the OAS, and reelected Dr. Miguel Rafael Uruía to the post of Assistant Secretary General. The term of office for both officials began as of the date of the above resolution, that is, July 7, 1970, and in both instances extends for five years.

EMIGRATION OF PROFESSIONALS AND TECHNICIANS

The General Assembly, in Resolution 11, recommended to the Inter-American Council for Education, Science and Culture that it study the problem of emigration of professionals and technicians from Latin America, and that it propose measures to diminish and, to the extent possible, avoid such emigration from the Latin American countries to the industrialized societies. Especially singled out were those persons who have been favored with fellowships by the OAS, other inter-American organizations or agencies of the United Nations.

RULES OF PROCEDURE

The rules of procedure of the General Assembly, approved by the Assembly itself, contain 86 articles and deal with such subjects as the following: Participants in the Assembly, the president, secretariat, committees, agenda, drafts and working documents, regular and special sessions, debates and procedures, voting, minutes and other documents of the Assembly, admission of new members of the OAS, amendment of the rules of procedure. In addition to the General Committee and the other committees the Assembly may establish,

there shall be the following principal committees at its regular sessions: First Committee (juridical-political matters); Second Committee (economic and social matters); Third Committee (educational, scientific, and cultural matters); Fourth Committee (administrative and budgetary matters). There shall also be a Committee on Credentials and a Style Committee.

According to the Charter of the OAS, the General Assembly is the supreme organ of the Organization. It decides the general action and policy of the Organization, determines the structure and functions of its organs, and considers any matter relating to friendly relations among the American countries.

COUNCILS OF THE OAS

The General Assembly approved the statutes of the three Councils of the OAS: Permanent Council (CP), Inter-American Economic and Social Council (CIES), Inter-American Council for Education, Science and Culture (CIECC).

INTER-AMERICAN COMMITTEE ON PEACEFUL SETTLEMENT

The statutes of this Committee, approved by the General Assembly, contain 27 articles, and a transitory provision. The Committee is a subsidiary organ of the Permanent Council, and its purpose is to assist the Council in the exercise of the powers conferred upon it by Article 82 of the Charter of the OAS.

Articles 82 to 90 of the Charter of the OAS contain provisions on the powers of the Permanent Council and the Inter-American Committee on Peaceful Settlement concerning the assistance to member states in the peaceful solution of their disputes.

Article 14 of the statutes of the said Committee provides that when the Permanent Council refers to the Committee the request of any party to a dispute in which none of the peaceful procedures set forth in Article 24 of the Charter is being followed, the Committee shall consider if the matter is within its competence and, if it deems it appropriate, shall offer its good offices to the other party or parties. Once these are accepted, the Committee may assist the parties and recommend the procedures that it considers suitable for the peaceful settlement of the dispute. According to Article 18 of the statutes, if one of the parties refuses an offer of the kind referred to

in Article 14 the Committee shall limit itself to informing the Permanent Council. The latter, without prejudice to taking such steps as may restore relations between the parties if relations were interrupted, or to reestablish harmony between them.

The statutes provide that the Committee is to be composed of five member states elected by the Permanent Council, for terms of four years, but the transitory provision establishes that for the initial composition of the Committee, the Council should elect five member states for the following periods; one for one year, another for two years, one for three years, and two for four years, and that the length of the terms should be determined by lot.

At its meeting held on August 3, 1970, the Permanent Council of the OAS elected the following member states to constitute the Inter-American Committee on Peaceful Settlement, for the terms indicated in parenthesis: Dominican Republic (one year), Paraguay (two years), Colombia (three years), the United States of America and Costa Rica (four years).

INTER-AMERICAN JURIDICAL COMMITTEE

The Committee is the principal juridical organ of the Organization of American States. Resolution 12 of the General Assembly approved provisionally the statutes of the Committee. In the whereas of the resolution it is stated that the Committee must be governed by provisional standards until it submits its draft statutes to the Assembly for approval, as provided in Article 110 of the Charter of the OAS.

The provisional statutes are divided into nine chapters under the following headings: Nature and purposes, membership, chairman and vice chairman, competence, seat of the Committee and meetings, quorum and voting, secretariat, expenses, general provisions. There are also three transitory provisions.

According to Article 2 of the statutes, the purpose of the Inter-American Juridical Committee is to serve the Organization as an advisory body on juridical matters; promote the progressive development and the codification of international law; study the juridical problems related to the integration of the developing countries of the hemisphere and, insofar as may appear desirable, the possibility of attaining uniformity in their legislation. As provided in Article 4, the Committee is composed of eleven jurists, nationals of member

states, elected in their personal capacity by the General Assembly from panels of three candidates presented by the member states.

The Committee has the following principal functions and powers according to Article 12 of its statutes: (a) To provide advice on juridical matters requested by other organs of the Organization; (b) to undertake the studies and preparatory work assigned to it by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, or the Councils of the Organization; (c) to undertake, on its own initiative, such studies and preparatory work as it considers advisable; (d) to suggest to the General Assembly and the Councils the holding of specialized conferences on juridical matters, and (e) to establish cooperative relations with universities, institutes, and other teaching centers, with bar associations, and with national and international committees and entities devoted to study, research, teaching, or dissemination of information on juridical matters of international interest.

The Committee is to present to the General Assembly, according to Article 13, an annual report and such special reports on its activities as it may consider necessary. As provided in Articles 14 to 16, the seat of the Committee is the city of Rio de Janeiro. The Committee shall hold its meetings at its seat; but in special cases it may meet at any other place that it designates, after consultation with the member states concerned. The Committee shall hold one regular meeting each year, and shall hold special meetings when convoked by the General Assembly or by the Meeting of Consultation of Ministers of Foreign Affairs, or when the Committee decides to do so in view of the importance and urgency of the matter it is to study.

As established in Article 22, the Committee may, during its sessions, hold joint meetings with groups of law professors or specialized authors and with members of bar associations and other entities that specialize in the study of juridical problems. The purpose of these joint meetings will be: (a) To examine topics on the agenda of the Committee in order to take advantage of the experience and the knowledge that the aforementioned professional persons can contribute; (b) to strengthen the cooperative relations between the Committee and the members of the legal profession in the various parts of the hemisphere, and (c) to afford these professional persons an opportunity to become familiar with the activities of the Committee and to collaborate with it.

According to Article 25 of the statutes, the Committee will have

a secretariat at its headquarters in Rio de Janeiro (as it has had since its creation). The General Secretariat of the OAS shall provide such technical personnel as may be required to cooperate with the Committee during its meetings. In the period between meetings, the General Secretariat, in addition to carrying out the directives and assignments of the Committee, shall provide the rapporteurs with such technical collaboration as may be required (this also has been done).

The General Assembly, at its last plenary meeting held on July 7, 1970, elected eleven jurists as members of the Inter-American Juridical Committee. The statutes provide that the members of the Committee are elected for a term of four years, and transitory provision I of the statutes states that for the purpose of the partial renewal provided for in Article 5 of the statutes, three of the eleven members of the Committee elected in the first election shall end their term of office on June 30, 1974, three on June 30, 1973, three on June 30, 1972, and two on June 30, 1971. Transitory provision II provides that the terms of office referred to in transitory provision I shall be determined by lot by the General Assembly immediately after the election of members.

Following is a list of the eleven members of the Inter-American Juridical Committee elected by the General Assembly on July 7, 1970, with their home countries and the dates on which their terms of office expire:

- Prof. William Barnes (United States) (June 30, 1974);
- Lic. Francisco González de la Vega (México) (June 30, 1974);
- Dr. Elbano Provenzali Heredia (Venezuela) (June 30, 1974);
- Dr. Alberto Ruiz Eldredge (Perú) (June 30, 1973);
- Dr. Américo Pablo Ricaldoni (Uruguay) (June 30, 1973);
- Dr. Guthbert A. Joseph (Trinidad and Tobago) (June 30, 1973);
- Dr. José Joaquín Caicedo Castilla (Colombia) (June 30, 1972);
- Dr. Alejandro Montiel Arguello (Nicaragua) (June 30, 1972);
- Dr. Edmundo Vargas Carreño (Chile) (June 30, 1971);
- Lic. Adolfo Molina Orantes (Guatemala) (June 30, 1971);

STUDIES BY THE PERMANENT COUNCIL OF THE OAS

In several resolutions, the General Assembly entrusted to the Permanent Council the study of different matters, for example: Review of the standards for inter-American Specialized Conferences and preparation of draft new standards for the application and coordination of those provisions of the Charter of the OAS that relate to Specialized Conferences (Resolution 6); preparation of draft standards for implementation and coordination of the provisions of the Charter relating to inter-American Specialized Organizations (Resolution 13); drafting of standards for the application and coordination of the provisions of the Charter that refer to the cooperative relations that should exist between the OAS and its various organs and the United Nations and its Specialized Agencies, as well as with national or international agencies or entities (Resolution 7); study of the possibility of establishing regular external inspection of work programs financed by the OAS funds, as well as of administrative activities (Resolution 15). Resolution 16 entrusted the Permanent Council with the preparation of draft general standards to govern the operations of the General Secretariat; the same resolution provides the rules that should govern the Secretariat until the Assembly approves the said general standards. By Resolution 8 the Assembly referred to the Permanent Council the drafts presented by some delegations concerning permanent observers to the OAS.

The studies, drafts or reports of the Permanent Council on the above matters are to be submitted to the General Assembly.

ADMINISTRATIVE AND FINANCIAL MATTERS

Several resolutions of the General Assembly dealt with administrative and budgetary matters, such as: conditions of employment in the General Secretariat of the OAS (Resolution 5); program and budget of the OAS 1970/71 (Resolution 10); financial condition of the OAS (Resolution 14); plan for external inspection of activities and administration (Resolution 15); quotas of the regular fund 1970/71 (Resolution 17); biennial budgetary period (Resolution 18, which adopted the biennial budgetary system starting on July 1, 1972).

FIRST REGULAR SESSION OF THE GENERAL ASSEMBLY

In Resolution 19, the General Assembly set April 14, 1971 as the opening date of its first regular session and charged the Permanent Council with the selection of the situs for the said session. In a note dated July 21, 1970 Costa Rica informed the Secretary General that "the Government of Costa Rica is very pleased to offer to host, in the city of San José, the first regular session of the General Assembly of the Organization of American States."

EL SALVADOR — HONDURAS

The Thirteenth Meeting of Consultation of Ministers of Foreign Affairs, in a resolution adopted on June 9, 1970, decided "to take note of the agreement reached by the Central American Foreign Ministers at their meeting held from June 2-4, 1970 in San José, Costa Rica, whereby they approved a 'Plan for the Establishment of a Security Zone for Purposes of Pacification' in the border area between El Salvador and Honduras."

Furthermore, the Meeting of Consultation expressed its deep appreciation to its peace-making committee for its activities which resulted in the resumption of peaceful relations between the Republics of El Salvador and Honduras; expressed its thanks to the General Secretariat of the OAS for the work it has constantly performed for the pacification of the region; thanked the Government of Costa Rica for its action in behalf of peace; and, congratulated the Central American Foreign Ministers on their contribution to peace in the region.

According to its general provisions, the purpose of the Plan is to prevent the occurrence of incidents on the border between El Salvador and Honduras and to reestablish peaceful conditions in the border region, thus permitting the resumption of normal activities by the inhabitants and the return to the region of the nationals of both countries. It is also stated that the "plan is approved under the auspices of the Organization of American States and the guarantee of the Governments of Guatemala, Nicaragua and Costa Rica, and that it shall be carried out under the supervision of Military Observers assigned by the OAS in sufficient numbers to provide this supervision, which number shall not be less than thirty." It is stipulated that "The provisions of this plan shall have no effect whatsoever on the

juridical question of the territorial claims of the parties in the border region.”

Other chapters of the Plan are entitled: Land sector, air sector, maritime sector (Gulf of Fonseca), specific provisions, special provisions, exceptions, details of execution, guarantee. The last chapter provides that: “The Governments of Guatemala, Nicaragua and Costa Rica constitute themselves as guarantor governments, acting as conciliators, shall immediately take the appropriate steps to require the Governments of El Salvador and Honduras to comply with the terms of the agreement within a peremptory period.”

PATENT COOPERATION TREATY

A Diplomatic Conference on the Patent Cooperation Treaty was held in Washington, D.C., from May 25 to June 19, 1970. The Conference approved the Patent Cooperation Treaty, which was opened for signature following the final plenary meeting on June 19, 1970. The treaty, which is of world-wide scope, contains 69 articles. Any state member of the International Union for the Protection of Industrial Property may become a party to the treaty.

In the Preamble, the Contracting States express the desire: “to make a contribution to the progress of science and technology. . . . to perfect the legal protection of inventions. . . . to simplify and render more economical the obtaining of protection for inventions where protection is sought in several countries. . . . to facilitate and accelerate access by the public to the technical information contained in documents describing new inventions. . . . to foster and accelerate the economic development of developing countries through the adoption of measures designed to increase the efficiency of their legal systems, whether national or regional, instituted for the protection of inventions by providing easily accessible information on the availability of technological solutions applicable to their special needs and by facilitating access to the ever expanding volume of modern technology.”

In Article 1 the Treaty establishes the International Patent Cooperation Union for cooperation in the filing, searching, and examination of applications for the protection of inventions, and for rendering technical services. “No provision of this Treaty shall be interpreted as diminishing the rights under the Paris Convention for the Protection of Industrial Property of any national or resident of any country party to that Convention.” Article 2 defines several terms. Chapter I deals with international

application and international search, and it comprises Articles 3 to 30. Chapter II contains provisions on the international preliminary examination (Articles 31 to 42). Chapter III contains common provisions (Articles 43 to 49). Chapter IV deals with technical services (Articles 50 to 52) and refers to patent information services and technical assistance. Chapter V covers administrative provisions (Articles 53 to 58), Assembly of the Union, Executive Committee, International Bureau, Committees for Technical Cooperation, finances, and regulations. Chapter VI provides for the solution of disputes (Article 59). Chapter VII deals with the revision and amendment of the Treaty (Articles 60 to 61). Chapter VIII covers the final provisions (Articles 62 to 69).

Under Article 9 of the Treaty, any resident or national of a Contracting State may file an international application. The Assembly of the International Patent Cooperation Union may allow the residents and the nationals of any country party to the Paris Convention for the Protection of Industrial Property which is not a party to the Patent Treaty to file international applications. The concepts of residence and nationality, and the application of these concepts in cases where there are several applicants or where the applicants are not the same for all the designated States, are defined in the Regulations of the treaty.

As defined in Article 2, "international application" means an application filed under the treaty. References to an "application" shall be construed as references to international applications and national applications.

According to Article 3, applications for the protection of inventions in any of the Contracting States may be filed as international applications under the treaty. An international application shall contain, as specified in the treaty and the regulations, a request, a description, one or more claims, one or more drawings (where required), and an abstract. The abstract serves the purpose of technical information and cannot be taken into account for any other purpose, particularly not for the purpose of interpreting the scope of the protection sought. The international application shall: (1) be in a prescribed language; (2) comply with the prescribed physical requirements; (3) comply with the prescribed requirement or unity of invention; (4) be subject to the payment of the prescribed fees.

As provided in Articles 5 and 6, the description shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art. The claim shall define the

matter for which the protection is sought. Claims shall be clear and concise. They shall be fully supported by the description.

Article 15 stipulates that each international application shall be the subject of international search. The objective of the international search is to discover relevant prior art. International search shall be made on the basis of the claims, with due regard to the description and the drawings (if any).

Under Article 16, international search shall be carried out by an International Searching Authority, which may be either a national office or an inter-governmental organization, such as the International Patent Institute, whose tasks include establishing of documentary search reports on prior art with respect to inventions which are the subject of applications. If, pending the establishment of a single International Searching Authority, there are several International Searching Authorities, each receiving Office shall specify the International Searching Authority or Authorities competent for the searching of international applications filed with such Office. International Searching Authorities shall be appointed by the Assembly. Any national Office and any intergovernmental organization satisfying the requirements specified in the treaty may be appointed as an International Searching Authority.

Article 17 stipulates that the procedure before the International Searching Authority shall be governed by the provisions of the treaty, the regulations and the agreement which the International Bureau shall conclude, subject to the treaty and the regulations, with the said Authority.

The Washington Diplomatic Conference also approved the regulations under the treaty. This document has 94 pages and contains 95 rules.

In a resolution adopted on June 17, 1970, the Washington Diplomatic Conference, considering the desirability of expediting the effective date of the treaty, invited the Assembly and the Executive Committee of the International (Paris) Union for the Protection of Industrial Property and the Director General of the World Intellectual Property Organization to adopt, direct and supervise the preparatory measures for the treaty to enter into force. It recommended that such measures include: (a) setting up an Interim Committee for Technical Assistance, which should prepare the grounds for the establishment of the Committee for Technical Assistance referred to in Article 51 of the treaty; (b) setting up an Interim Committee for Technical Cooperation, which should guide the establishment of the Committee for Technical Cooperation referred to in Article 56 of the treaty, and advise the prospective International Searching

Authorities on questions which will require solution when the treaty enters into force; (c) the setting up of an Advisory Committee for Administrative Questions, which should study and recommend measures on the questions which will require solutions by the national Offices and the International Bureau when the Treaty enters into force.

FALKLAND ISLANDS

Official delegations of the governments of Argentina and the United Kingdom met in London July 14-23 to discuss, within very narrow limits, matters concerning the relations between the Islands and Argentina. Specifically, the delegates dealt with the movement of persons, the establishment of maritime and air communications, postal and communication services, and the development of commerce. The press releases following the meeting, both in Argentina and the United Kingdom, made clear that the question of sovereignty over the Islands was not one of the subjects considered. The press releases also highlighted that future meetings would be held in Argentina and Port Stanley, as well as the fact that representatives of the Islands participated in the discussions as members of the U. K. delegation

SWAN ISLANDS

The United States appears ready to give up its legal claim to the Swan Islands, located in the Caribbean about ninety-five miles northeast of Honduras. The ownership of the islands may soon be resolved under an agreement which will recognize the sovereignty of Honduras over the Islands, in return for the U. S. right to retain radio and weather installations therein.

BRYAN-CHAMORRO TREATY

The Bryan-Chamorro Treaty, under which Nicaragua granted the United States the right to construct an inter-oceanic canal across Nicaragua as well as the option to establish a naval base in the Gulf of Fonseca, was rescinded in a ceremony held in Managua in July, 1970. The rescission of the treaty — in effect for 54 years — must be approved by the United States Senate and the Nicaraguan Congress.

PROTOCOL OF PORT OF SPAIN

On June 18, 1970, Venezuela and Guyana signed an agreement (Protocol of Port of Spain). This agreement has the effect of shelving the border dispute between these two countries for at least twelve years.

AGRARIAN LAW CONGRESS

The first World Agrarian Law Congress was held in Caracas in July-August, 1970.

SALVADOR-PANAMA COMMERCIAL PACT

On June 2, 1970, El Salvador and Panama signed a Free Trade and Preferential Exchange Agreement in San Salvador. The new treaty, designed to increase the exchange of goods between the two countries, is considered by Panama to be an improvement over similar agreements now existing between Panama and the republics of Costa Rica and Nicaragua.

WORLD PEACE CORPS

The U. N. Economic and Social Council, meeting in Geneva during the summer, adopted a resolution calling on the General Assembly to bring an "international group of volunteers for development" into being in 1971. The Council recommended that the volunteers should be recruited and used on as wide a geographical basis as possible, and that they should not be sent to a country without the explicit approval of its government. Government, public and private agencies, and individuals would be invited to contribute to a special voluntary fund for the support of the program. The General Assembly is expected to consider the proposal at its next regular session beginning in September, 1970.