

University of Miami Law School Institutional Repository

University of Miami Inter-American Law Review

2-1-1969

Regional and International Activities

F. Orrego Vicuña

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

Recommended Citation

F. Orrego Vicuña, *Regional and International Activities*, 1 U. Miami Inter-Am. L. Rev. 68 (1969)

Available at: <http://repository.law.miami.edu/umialr/vol1/iss1/8>

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

REGIONAL AND INTERNATIONAL ACTIVITIES

F. ORREGO VICUÑA
*Special Advisor, Department of Legal Affairs
Organization of American States*

PROTOCOL OF BUENOS AIRES

Ratification of the Protocol of Amendment to the Charter of the OAS—the Protocol of Buenos Aires—accelerated during 1968. As of November 5, 1968 the following eleven countries had deposited their respective instruments of ratification: Argentina, Costa Rica, Dominican Republic, El Salvador, Guatemala, Mexico, Nicaragua, Paraguay, Trinidad and Tobago, United States, and Venezuela.

The Protocol will enter into force when two thirds of the signatory states of the OAS Charter deposit their instruments of ratification. Effectiveness for the remaining states will be determined by the order in which their respective instruments of ratification are deposited. Upon ratification by two thirds of the states, an anomalous legal situation will be created since those states which have ratified will be regulated by the amended Charter, but the rest will remain under the 1948 Charter. To remedy this situation, the OAS General Secretariat had proposed that the Protocol enter into effect provisionally for all the signatory states. This would have permitted all states, at least with regard to the institutional structure of the Organization, to observe the same basic provisions concurrently. A similar arrangement was agreed at the Ninth Inter-American Conference in Bogota concerning the institutional structure established by the 1948 Charter.

The Protocol of Buenos Aires introduces highly important changes in the OAS structure.

INTER-AMERICAN CULTURAL COUNCIL

The OAS Inter-American Cultural Council held its Fifth Meeting in Maracay, Venezuela in February, 1968. Important resolutions were approved regarding the institutional development and strengthening of this

entity, and the implementation of the Declaration of the Presidents of the Americas in the fields of education, science, and culture. Under the Protocol of Buenos Aires, the present Cultural Council will be known as the Inter-American Council for Education, Science, and Culture.

The Resolution of Maracay established a Regional Program of Educational Development, a Regional Program of Scientific and Technological Development, and created a Special Multilateral Fund to finance these programs. This action accentuates the efforts for growth and improvement in areas of vital importance to the economic development of Latin America and to the process of economic integration.

An Executive Committee of the Inter-American Cultural Council has been established; also an Inter-American Committee on Education and another on Science and Technology. The Executive Secretariat of these entities will form part of the OAS General Secretariat.

INTER-AMERICAN JURIDICAL COMMITTEE

The Inter-American Juridical Committee of Rio de Janeiro met in August and September, 1968. Of particular interest are two reports entitled: (1) "Draft Uniform Law for Latin America on Commercial Documents" and (2) "Harmonization of the Corporate Legislation of the Latin American Countries."

In 1965, at the request of the Latin American Parliament, the Institute for the Integration of Latin America (INTAL) contracted with Professor Raul Cervantes Ahumada, of Mexico, to prepare a draft Uniform Law for Latin America on Commercial Documents. This first draft, revised by a group of specialists at Buenos Aires in October, 1966, was reviewed by the Juridical Committee in September, 1968. The Committee has agreed to concentrate its initial efforts on two categories of commercial documents, i.e., international checks and letters of credit. These will be studied in 1969.

The Juridical Committee also wrote an extensive report on the harmonization of legislation on corporations. A draft Inter-American Convention on Mutual Recognition of Corporations and Juridical Persons containing some standards applicable to multinational public corporations is one of the highlights of this report.

OAS-UNCITRAL MEETING

On the occasion of the first meeting of the United Nations Commission on International Trade Law (UNCITRAL), the OAS General Secretariat invited the representatives of the American nations members

of the Commission to an informal meeting at Pan American Union headquarters in February, 1968. Representatives from Argentina, Brazil, Chile, Colombia, Mexico, and the United States (the American states members of UNCITRAL), and officials of the OAS General Secretariat, plus observers from the United Nations Secretariat, the Inter-American Development Bank, and the Inter-American Institute of International Legal Studies attended the meeting. Agreement was reached on cooperative efforts, systematic exchange of information, and the reciprocal exchange of observers at meetings of UNCITRAL and the Inter-American Juridical Committee.

BUSINESS ADVISORY COUNCIL

The Business Advisory Council of the OAS General Secretariat held its second annual meeting in Mexico City on November 29 and 30, 1968. The Council advises the General Secretariat on programs of interest to the private sector and coordinates business support for such programs. Its first meeting was held in Washington in October, 1967.

The Business Advisory Council deals with topics such as general provisions in sale and standard contracts, negotiable instruments, multinational enterprises, commercial arbitration, transit of persons, and industrial property.

INTER-AMERICAN EXPORT PROMOTION CENTER

The Inter-American Export Promotion Center, whose bases were laid down at the Fifth Annual Meeting of the Inter-American Economic and Social Council (IA-ECOSOC) following the meeting of the Presidents of the Americas at Punta del Este, was established at the Sixth Special Meeting of the IA-ECOSOC held in Washington on January 18 and 19, 1968. At the same meeting, the statutes of the Center and the national quotas for the first fiscal year were also approved. The main objective of the new agency is to promote expansion and diversification in the export of non-traditional Latin American products with special emphasis on manufactured and semi-manufactured goods.

All OAS member states will be members of the Center which will function within the framework of IA-ECOSOC, but with a separate budget and with some autonomy of its own. Headquarters for the Center have been established in Bogota, but plans call for operations offices in important world trade centers, and subregional offices where indicated.

CENTRAL AMERICAN COURT OF JUSTICE

The Organization of Central American States (ODECA) has submitted to member governments a draft-treaty for the establishment of a Central American Court of Justice for the solution of conflicts arising from the economic integration of Central America. The Court shall be a permanent body vested with power to decide questions arising from the *interpretation of instruments dealing with economic integration, and its decisions will be binding on all participating nations and integration entities. Individuals and legal entities affected by the actions or omissions of integration organs may appear as parties.* The tribunal shall consist of five judges, one from each participating country. Conflicts may be settled in an administrative procedure before the Executive Council of the General Treaty of ODECA and the Central American Economic Council. If the conflict is not decided administratively, the matter may then be brought before the proposed Court of Justice.

ALLIANCE FOR PROGRESS

The Inter-American Committee on the Alliance for Progress recently summarized the present socio-economic situation as follows: (1) landholding systems in many countries constitute a curb on the attainment of a better standard of living of the rural population as well as of higher agricultural yields, (2) tax systems have been made more efficient as regards collections. In some instances, sounder structures have been developed, but little progress has been made in apportioning taxes more equitably, (3) the internal markets of many countries, particularly with regard to marketing of agricultural products, are plagued with deficiencies which hinder the urban and rural sectors from reaching better living standards, (4) the business sector has made too little headway in updating its industrial structures so as to give strong impetus to the export of manufactured products, (5) labor and social welfare policies in a number of countries have prevented widespread workers participation in stepped up output and productivity and the expansion of internal markets.

INTERNATIONAL LAW ASSOCIATION

The 53rd Conference of the International Law Association held in Buenos Aires in 1968 adopted, among others, a recommendation to prepare a convention on asylum. The Conference also recommended the ratification of the Tokyo convention regarding criminal acts on board aircraft, and established a new committee to study air piracy.

WATER LAW CONFERENCE

The First International Water Law Conference took place in the Summer of 1968 in Buenos Aires with delegates from thirty countries, primarily from the Hemisphere, in attendance. The conference discussed problems of water resources and their international implications.

CONGRESS OF SPORT LAW

The National University of Mexico, in cooperation with the Olympic Committee, sponsored in 1968 the First International Congress of Sport Law. In its conclusions, the Congress adopted the position that international organizations, established in cooperation with governments, should not interfere with national or international sport organizations nor "inject political viewpoints into sport activities." Recognizing the social importance of sports, the Congress proclaimed sport as a human right, particularly with regard to youth. The Congress also recommended that universities study the law applicable to sport organizations and activities; that legal provisions be drafted regarding sport accidents for which society must bear responsibility; that governments regulate the use of stimulants; that sport instructors be qualified; and, that criminal rules relating to sport be internationally unified. Extensive discussions were held on professionalism and resulted in the suggestion that the International Labor Organization prepare a preliminary report and a draft convention to guarantee fundamental human rights and the rights of employees to professional sportsmen.