

University of Miami Law School
Institutional Repository

University of Miami Inter-American Law Review

4-1-1984

Argentina

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

Recommended Citation

Argentina, 16 U. Miami Inter-Am. L. Rev. 231 (1984)

Available at: <http://repository.law.miami.edu/umialr/vol16/iss1/11>

This Legal Memorandum 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.

LEGAL MEMORANDA

ARGENTINA

The following are summaries of recent measures taken by the Argentine government regarding constitutional law, foreign debt, human rights and criminal law.

I. CONSTITUTIONAL GOVERNMENT IN ARGENTINA

Raul Alfonsin, winner of the general presidential election of October 30, 1983, came into power on December 10, 1983. He will hold office for the next six years, accompanied by Vice-President Victor Martinez and an initial cabinet that includes: Antonio Troccoli, Minister of Home Affairs; Dante Caputo, Minister of Foreign Affairs; Raul Borrás, Minister of Defense; Bernardo Grinspun, Minister of Economy; Roque Carranza, Minister of Public Works and Services; Carlos Alconada Aramburú, Minister of Education and Justice; Antonio Mucci, Minister of Labor and Social Security and Aldo Neri, Minister of Health and Social Welfare. Argentina has two houses of Congress; the Senate which consists of 46 senators, and the House of Representatives, with 254 members. A senator's term of office is nine years, while a representative's term is four years. In addition, the Argentine provinces elect their local governments pursuant to their individual constitutions, and the City of Buenos Aires as a federal district, elects a "Concejo Deliberante" or City Council. It should be noted that the Argentine Constitution, which was ratified in 1853, closely follows the United States Constitution.

II. DECREE 319/83

In view of the serious external debt crisis facing Argentina and other Latin American countries, (which, in the case of Argentina, is as high as \$43 billion), the Argentine federal government established temporary restrictions on imports. Decree 319/83 dated December 29, 1983, classified imports based on the extent to which they are necessary in the present circumstances. Thus, certain commodities classified as dispensable and included in a special An-

nex, have been banned until June 30th (Article 1 of the Decree).

A second group of products may be imported only after a favorable opinion is obtained from the Honorary Advisory Committee, which consists of representatives from the public and private sectors. A third group of products, raw materials and products for use in connection with human health, may be imported through the authority of the Ministry of Health and Social Welfare. A fourth group, which consists of products for use in the field of national defense and by the security forces, requires the approval of either the Ministry of Defense or the Ministry of Home Affairs. Finally, those commodities that have not been included in any of the above groups may be imported automatically, but the Secretariat of Commerce must approve them formally and certain conditions must be met.

III. ADHERENCE TO A CONVENTION OF HUMAN RIGHTS

In Washington, on February 2, 1984, the Deputy Representative of Argentina to the OAS signed the 1969 Inter-American Convention on Human Rights (also known as the Treaty of San José) on behalf of the Argentine Government. President Alfonsín had previously sent to Congress a bill approving such action and it is expected that both houses will soon vote favorably on the motion. After legislative approval, the government will ratify the Convention, submitting itself to the jurisdiction of the Inter-American Commission of Human Rights as well as the Inter-American Court of Human Rights.

IV. AMENDMENTS TO THE CRIMINAL CODE

Several bills have been introduced to Congress by the Executive concerning important amendments to the Argentine Criminal Code. One of the bills which has already been approved by the Lower House, deals with crimes against the constitutional order and democratic institutions. Other bills impose penalties on those who commit torture, restructure the probation and parole system and punish offenders of banking and financial law. After lengthy debates, both houses also approved an important bill sent to Congress by President Alfonsín amending the Code of Military Justice. Presently, civilians may not be tried by military courts during peacetime and any military personnel who commits a felony which is not strictly connected with military discipline or internal order

shall be brought before civilian magistrates for their trial.

DABINOVIC & ASOCIADOS
BUENOS AIRES, ARGENTINA

BRAZIL

The following is a brief summary of several legislative and administrative rulings, and several judicial and administrative decisions of the Brazilian government which may affect foreign trade and investment in Brazil.

I. LEGISLATIVE AND ADMINISTRATIVE RULINGS

Cooperation between the United States and Brazil

Secretary of State George P. Shultz visited Brazil in February, 1984. In response to his visit, five working groups were organized. These working groups conducted meetings for the purpose of analyzing the possibility of increased cooperation between Brazil and the United States in the fields of economics, industrial and military interaction, nuclear energy, science and technology, and space activities. Appropriate reports were prepared by each working group, setting forth its respective views. In addition, two protocols were signed on the occasion of Mr. Shultz's visit regarding the development of two major hydroelectric plants in the State of Goiás. One plant will be developed in Santa Isabel on the Araguaia River, and the other will be developed in Sao Felix on the Tocantins River. It appears that such protocols are actually preliminary contracts between Allis Chalmers and Combustion Engineering, on the one hand, and Eletrobrás and its subsidiaries, Eletronorte and Furnas, on the other. Mr. Schultz' visit was generally considered to be beneficial and should lead to increased business opportunities involving the two countries.

Assignment for Work Abroad

The President of the Republic signed Decree No. 89.339 on January 31, 1984, to regulate several provisions of Law No. 7064/82 in connection with employees that are transferred to work in another country. According to the new decree, an employee hired in Brazil or transferred by a company engaged in engineering, consulting, design, construction, assembly, management and similar