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REPORTS

INTER-AMERICAN BAR ASSOCIATION: RESOLUTIONS OF THE XXIX CONFERENCE*

On May 15, 1940, a group of distinguished lawyers and jurists representing forty-four professional organizations and seventeen nations in the Western Hemisphere founded the Inter-American Bar Association (IABA). The IABA was created to develop a closer relationship among the lawyers of the Americas. The organization furthers its goal by holding Inter-American Bar Conferences every 18 months. The purpose of these conferences is to advance the science of jurisprudence, promote the uniformity of laws, encourage the establishment and maintenance of independent judicial systems, preserve and defend human rights and liberties, guarantee the free exercise of civil and political rights under democratic principles, and uphold the honor of the legal profession.

At every Inter-American Bar Conference, each of the 18 Inter-American Bar Association Committees creates resolutions dealing with urgent matters of legal interest within the Americas. In 1992, at the twenty-ninth Inter-American Bar Conference, the IABA enacted twenty-three resolutions which are reproduced below.

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XXIX Conference***COMMITTEE I on PRIVATE AND PUBLIC
INTERNATIONAL LAW**

Resolution 1

CREATION OF AN INTERNATIONAL CRIMINAL COURT**WHEREAS:**

The international community has defined as international crim[es]: acts of terrorism, international trafficking of drugs, genocide, torture and environmental pollution;

These criminal acts have been recognized by the international community, through adherence to various international conventions;

Despite the obligations imposed by these International Conventions, effective processing of persons who commit acts of terrorism, international drug trafficking, genocide, torture and environmental pollution is often difficult because of problems resulting from the lack of extradition, as well as the other differences inherent in the legal systems of the nations;

The jurisdiction of the International Court of Justice at The Hague extends only to sovereign nations and not to individual criminal cases;

The concept of the creation of an International Criminal Court has been under consideration by the international community for many years;

The International Military Tribunals of Nuremberg, Germany and Tokyo, Japan, created at the end of World War II, established precedents for the creation of international criminal courts;

In 1950, the United Nations General Assembly adopted Reso-

* The text of this appendix figures in the final part of the resolutions.

lution #489(V), which created a special committee to study the creation and jurisdiction of an international criminal court;

Since then, this theme has been studied by different specialized organs of the United Nations;

By mandate of the United Nations General Assembly, the Commission on International Law in 1990 and this year has intensively analyzed the possibility of creating an international criminal court, stressing the need for its creation,

RESOLVES:

1. To support the establishment of an international criminal court, as part of the international community to try acts of terrorism, illicit trafficking of drugs, genocide, torture and environmental pollution;

2. To offer our vote of support to the Commission on International Law of the United Nations for the studies completed on this issue.

COMMITTEE II on CONSTITUTIONAL LAW

Resolution 2

EFFECTIVE SYSTEMS OF JUDICIAL REVIEW FOR THE ENFORCEMENT OF CONSTITUTIONAL STANDARDS

WHEREAS:

Through their history, the American nations have demonstrated a spirit of constitutionalism that asserts itself even in the most difficult of times as demonstrated in the continuing efforts in the Hemisphere to strengthen and reestablish constitutional government and democratic institutions; and,

History demonstrates that judicial review of the constitutionality of laws and other governmental actions has been a significant factor in strengthening constitutional government and guaranteeing liberty; and,

Effective judicial review requires a well-educated and independent judiciary, a clear separation of governmental powers, and a well constructed system of checks and balances; and,

Effective judicial review draws its strength from a civic-minded public that expects and demands the independence of the judiciary and the fidelity of all governmental officials to constitutional norms and principles,

RESOLVES:

1. To recommend that the American nations strengthen or establish, as the case may be, effective systems of judicial review for the enforcement of constitutional standards and principles and for the defense of liberty; and,

2. To cooperate and encourage its members to cooperate, with interested governments, international organizations, universities, bar associations, and other institutions in promoting discussion and understanding of judicial review.

COMMITTEE III on ADMINISTRATIVE LAW

COMMITTEE VIII on DEVELOPMENT AND INTEGRATION

Resolution 3

CREATION OF A COURT OF COMMUNAL JUSTICE IN MERCOSUR

WHEREAS:

The Treaty of Asunción (MERCOSUR) represents a concrete advance in the process of the integration of the countries of the Southern Cone;

This process makes it necessary to consider the effect of integration on the individual;

Within this context, the obligation of the states as they formulate their budgets and the community of countries when it achieves a legal personality should be analyzed;

They should establish legal standards that permit the citizen to protect his rights before an independent tribunal;

The Treaty of Asunción does not provide for such a court,

RESOLVES:

1. To recommend to the contracting parties to the Treaty to examine the problem related to the obligations of States and the Community of states for damages that their individual citizens may incur;

2. To recommend to the contracting parties the creation of [a] Community Court of Justice and the right of legal action to allow access to [the] proposed court for the individuals.

COMMITTEE IV on CIVIL LAW, PROCEDURE AND LITIGATION

Resolution 4

LEGAL PROTECTION OF CHILDREN AND ADOLESCENTS

WHEREAS:

More than a million Brazilian children live in a state of poverty in the most diverse, contemporary forms of slavery, prostitution and neglect; and that this is also the case in other American nations;

The new Law, 8.069/90 enacted in Brazil entitled "Statute of the Child and the Adolescent", recognizes the right of the family and community life, and creates a complex system of rights, duties and obligations of the natural family and the foster family; and encourages other remedies to this critical social problem existing in many countries,

RESOLVES:

1. To recommend that a legal system for the protection of children and adolescents be adopted and applied in all the American states; as well as a legislative policy to achieve a better and more humane world, greater social stability and ideal conditions of subsistence for them;

2. To urge the American states to ratify as soon as possible conventions and international treaties intended for the welfare of children.

COMMITTEE V on COMMERCIAL LAW AND PROCEDURE

Resolution 5

RATIFICATION OF THE 1980 VIENNA CONVENTION ON CONTRACTS OF INTERNATIONAL BUYING AND SELLING OF MERCHANDISE

WHEREAS:

An objective of this Association is to develop the science of jurisprudence in all aspects, and particularly the study of comparative law;

The Vienna Convention of 1980 on the International Sale of Merchandise, approved by the Conference of the United Nations April 11, 1980, establishes a uniform international law of contracts;

The text of the Convention strikes a balance between the common law and the Roman-Germanic legal systems of Latin American countries, that permits its adoption in part, with exceptions and even with reservations;

There is a lack of research and studies that may persuade more American countries to sign and ratify the Convention in a way consistent with their interests;

The Latin American efforts to promote exports should be accompanied by legal measures aimed at achieving greater security for the contracting parties;

During the XXIV Conference of the Inter-American Bar Association, Committee V on Commercial Law and Procedure recommended the adoption of the Convention of Vienna of 1980,

RESOLVES:

To recommend to the governments of the American countries the ratification or adherence to the Convention of Vienna of April 11, 1980, on the International Sale of Merchandise.

COMMITTEE VI on CRIMINAL LAW AND PROCEDURE

Resolution 6

APPLICATION OF PUNITIVE (*PENAS PECUNIARIAS*) AND COMPENSATORY DAMAGES TO PREVENT ILLICIT ACTS AGAINST THE ENVIRONMENT

WHEREAS:

Environmental pollution concerns all populations and its prevention has so far been ineffective;

Criminal law has an indispensable role in the prevention of illicit acts against the environment;

General knowledge regarding the gravity of the problem is insufficient;

The ineffectiveness in the enforcement of current law results in disrespect for the rule of law,

RESOLVES:

To recommend:

1. The application of exemplary, pecuniary (*penas pecuniarias*) and compensatory damages, without prejudice to the application of other sanctions that may also apply, for the violation of environmental laws;

2. The creation of environmental courses at all levels of teaching and an environmental chair in law schools.

Resolution 7

LEGISLATION AUTHORIZING MINORS TO SEEK REDRESS FOR CRIMINAL ACTS WHEN THEY ARE VICTIMS

WHEREAS:

In some countries crimes against minors are not punished due to the minor's lack of legal capacity to file complaints;

Fundamental principles inspired the several international conventions, particularly the United Nations Convention [on the Rights of the Child],

RESOLVES:

To recommend:

1. That legislation be enacted granting minors legal capacity to seek redress for criminal acts of which they were the victims;

2. That judges, lawyers, and other judicial officials receive adequate training for the best intake and evaluation of the grievances presented by minors.

COMMITTEE VIII on DEVELOPMENT AND INTEGRATION

COMMITTEE XVI on INTELLECTUAL AND INDUSTRIAL PROPERTY

Resolution 8

INTELLECTUAL PROPERTY AND ECONOMIC DEVELOPMENT

WHEREAS:

The protection of intellectual property is a vital condition for technological development in any society;

Intellectual property, as a form of private property, merits the full respect in all countries of the world as an essential requisite to attract investments for economic development;

The effective protection of intellectual property is one of the fundamental prerequisites for admission into the "Initiative for the Americas" program;

The Code on Intellectual Property that is being considered as part of GATT negotiations constitutes an adequate model for an International Uniform Law on this subject;

The solid patent regimes promote licensing contracts or joint ventures between local enterprises and foreign intensive research enterprises;

The system of patents for inventions forces inventors to reveal scientific and technical information related to their invention, thus offering them legal security to promote extensive dissemination,

RESOLVES:

1. To recommend to the governments of the Americas that have not done so:

a. To accelerate the enactment of laws that recognize the clear protection of intellectual property;

b. To subscribe to the GATT Intellectual Property Code once the Uruguay negotiations conclude, and implement it as soon as possible;

2. To recommend to the governments of the Americas that promote the enactment of new patent laws governing inventions, that they include in those laws the following principles:

a. Patent rights can be transferred or licensed only on the basis of voluntary contracts;

b. Patent exploitation requires placement of the patent in the market by any available legal means;

c. A valid patent grants exclusive right of exploitation of the patent; or product manufactured using the patented process;

d. Countries should give full faith and credit to patents registered in other countries;

e. Procedural patents should be regulated under the system called "An Inversion of the Burden of Proof".

**COMMITTEE VIII on DEVELOPMENT
AND INTEGRATION OF THE INTER-
AMERICAN ACADEMY OF
COMPARATIVE AND INTERNATIONAL
LAW**

Resolution 9

**LEGISLATIVE COORDINATION FOR EFFECTIVE
INTEGRATION OF THE AMERICAN COUNTRIES**

WHEREAS:

The economic and political power achieved by the European Economic Community, the possible admission of countries of Central Europe, to that block as well as the increasing strength of the economies of Southeast Asia;

The existence of precedents for economic integration in America (ALADI, Andean Pact, Caricom, Central American Common Market), the recent creation of other new markets (MERCOSUR), and special agreements for economic cooperation (Argentina-Chile; Mexico-Chile);

The Initiative for the Americas, introduced by the United States as a new proposal for continental progress and development,

RESOLVES:

To recommend:

1. That the American states accelerate the processes of legislative coordination which will allow effective integration;
2. The adoption of legal standards conducive to private initiative in free markets that eliminate unnecessary state intervention and regulatory measures that interfere with achieving these objectives.

Resolution 10

**DISSEMINATION OF THE TREATY OF 1990 TO
ESTABLISH A STATUTORY FRAMEWORK FOR
BINATIONAL ARGENTINE-BRAZILIAN BUSINESSES**

WHEREAS:

Enterprises and businessmen of the Americas need to unite to confront the challenges presented by the integration and expansion of markets;

In addition to existing legislation, the creation of flexible legal standards that permit regional collaboration are imperative;

The statute for Binational Argentine-Brazilian Businesses is a flexible and extensive model norm conducive to the development and encouragement of business collaboration in the region,

RESOLVES:

To recommend dissemination of the "Treaty of 1990 to Establish a Statutory Framework for Binational Argentine-Brazilian Businesses," which constitutes a flexible and extensive collaborative system or instrument, as a model to allow, and encourage, association and collaboration between enterprises and businessmen in the Americas, to facilitate joint community ventures in the region.

COMMITTEE X on FISCAL LAW

Resolution 11

**INCORPORATION OF CONSTITUTIONAL STANDARDS
FOR THE IMPOSITION OF TAXES, TARIFFS AND
SPECIAL DUTIES****WHEREAS:**

Generally, the tax systems of the modern States essentially obey a combination of standards enforced by the needs of the moment throughout the course of history, and are not a deliberate effort by the state to create a completely rational system;

The legislature, as the fiduciary of state sovereignty, is the only power with the competence to impose taxes, tariffs and special duties;

For various reasons, the legislative organs have frequently approved taxes destined to finance public and private entities, thus eventually forming a quasi-fiscal, non-systematized tax regime. The frequent adoption of these poorly prepared plans do not respect basic tax principles, including those pertaining to the principle of legality, guarantees of due process, non-confiscation of private property and others;

The transfer of resources from private business to the public sector, which is the essential effect and principal objective of taxes, frequently interferes with the principle of non-confiscation. Such conditions blur the precise line between the constitutional norms that impose upon citizens the duty to contribute to public expenditures and the constitutional principle of inviolability of private property;

In the Sixth Latin American Conference on Tax Law held in Uruguay in 1970, a recommendation was passed to the effect that general tax principles should be a part of the legal order with a greater hierarchical value over ordinary law;

The doctrine of tributary law accepts, without dispute, that this discipline includes tariffs, special duties and taxes,

RESOLVES:

To declare the importance of achieving the constitutional incorporation of tax principles related to the statutory imposition of taxes, tariffs & special duties and the general applicability of taxes and tax responsibility.

Resolution 12

**HARMONIOUS BALANCE BETWEEN THE
PREROGATIVES OF PUBLIC POWER AND PROTECTION
OF THE TAXPAYER****WHEREAS:**

Different countries of America are carrying out processes of fiscal adjustment aimed at reducing the budget deficits;

These processes should result in a harmonious balance between public prerogatives aimed at achieving proper fulfillment of fiscal needs and obligations and the guarantees, and rights secured to the citizens;

Lamentably, a dangerous growth in the prerogatives of fiscal administration has continued inadvertently in the countries of the Americas that prejudice the rights and guarantees of taxpayers, particularly in what concerns the reestablishment of the principle of *solve et repete*, which was abrogated by Article 8 of the American Convention on Human Rights (Pact of San Jose, Costa Rica) and by the limitations on challenges to the acts of fiscal authorities;

Even in countries that have not ratified the Pact of San Jose, Costa Rica, respect for rights are based on the constitutional principles stated in each nation's constitution,

RESOLVES:

1. To recommend to the American countries that, in the processes of current fiscal adjustment, procedures are scrupulously respected, and that harmonious balance exist between the prerogatives of public power ceded to the fiscal administration and the guarantees to the taxpayer;

2. That respect for the Article 8 of the American Convention on Human Rights (Pact of San Jose, Costa Rica) in which it was

agreed to not re-establish the principle *solve et repete* [and to] not limit the right to challenge the conduct of the fiscal authority.

COMMITTEE XII on HUMAN RIGHTS**Resolution 13****STRENGTHENING THE COMMISSION AND THE INTER-AMERICAN COURT ON HUMAN RIGHTS****WHEREAS:**

The Commission and the Inter-American Court of Human Rights are essential organs in the promotion and protection of human rights in the hemisphere;

The carrying out of the activities of these organizations requires substantial help and support, not only from the Organization of American States, but from the states of the hemisphere as well;

The strengthening of the rule of law has been an indispensable component in the development of international supervisory mechanisms to which individuals can appeal when their human rights have been violated;

To reiterate the recommendations of the Inter-American Bar Association,

RESOLVES:

1. To recommend to the General Assembly and to the Council of the Organization of American States, as well as to the nations of the hemisphere, that they contribute with whatever necessary means to ensure the effective functioning of the Commission and the Inter-American Court on Human Rights;

2. To encourage the nations of the hemisphere to give power to the decisions of the Commission and of the Inter-American Court on Human Rights, in accordance with existing international norms.

Resolution 14

THE EFFECTIVE AUTONOMY OF THE JUDICIARY

WHEREAS:

The constitutions of the countries of the hemisphere institutionalize the autonomy and independence of the judiciary and of the justice ministries in the exercise of their functions;

In light of these principles, these institutions should act independently from the other branches of the state;

The judiciary and the justice ministries should guarantee the correct application of the norms on human rights;

The lack of adequate budgets and low salaries militate against the full autonomy of the judicial power,

RESOLVES:

That the countries that have still not done so, should adopt constitutional and statutory standards to assure sufficient resources for the adequate operation of the judicial function.

Resolution 15

THE TEACHING OF HUMAN RIGHTS AS AN
INDEPENDENT DISCIPLINE IN LAW SCHOOLS**WHEREAS:**

The dissemination of the concept of Human Rights has contributed to the recent processes of democratization in the American continent;

The effective application of Human Rights will foster the reforms of the peace and democratization processes in the hemisphere;

The full application of all Human Rights standards will inexorably promote the creation of more just, free, and democratic American societies and considerably elevate the quality of life of its inhabitants;

Non-governmental organizations have contributed signifi-

cantly in the development of human rights law in the Americas;

The law schools and the universities of the continent should collaborate systematically in promoting respect for, and the strengthening of, Human Rights in the American countries;

Human Rights, as a specific field of law, that is to say, as an autonomous legal discipline, constitutes an enormous area of study, and contains principles and methods that distinguish it from other legal fields;

For these reasons, it has become necessary to establish and develop Human Rights law as an independent course of study in law schools and in universities in the American Continent,

RESOLVES:

To set as a priority for the Inter-American Bar Association the support necessary so that Human Rights Law be recognized as an independent legal discipline in the law schools and universities of the Americas.

Resolution 16

**CONDEMNATION OF TORTURE AND OTHER FORMS OF
CRUEL, INHUMANE AND DEGRADING PUNISHMENTS**

WHEREAS:

No human being should be subjected to torture or other forms of cruel, inhumane or degrading treatment or punishment, regardless of the indictment or conviction to which he or she may be subjected;

Many international instruments of human rights signed to countries of the hemisphere have established that torture and other cruel, inhumane or degrading treatments or punishments constitute international crimes;

A confession obtained through torture or other illegitimate forceful means is absolutely invalid in the view of current international standards,

RESOLVES:

1. To condemn the use of torture and other cruel, inhumane or degrading punishments or treatments;

2. To recommend to the nations of the hemisphere that have not done so that they ratify without reservations the universal and regional conventions that prohibit torture or other cruel, inhumane or degrading punishments or treatments;

3. To recommend to the nations of the Hemisphere where violations may occur that they apply the international prohibition of torture or other cruel, inhumane or degrading punishments or treatments effectively, and accordingly:

a. Provide for severe sanctions against those responsible for instigating, promoting, performing, or condoning torture, and using other illegitimate means;

b. Submit to the jurisdiction of international supervision with competence to investigate such violations;

4. To urge bar associations, law schools, other institutions, and non-governmental organizations to initiate efforts aimed at making the Hemisphere free of torture and other means of cruel, inhumane or degrading punishments or treatments and crimes.

Resolution 17

CONDEMNATION OF ILLEGAL DETENTIONS

WHEREAS:

All people have the right to have laws that guarantee them due process of law;

The detention of individuals without judicial review is a flagrant violation of fundamental human rights;

Moreover, such detentions violate the principles of legality, the presumption of innocence and equality before the law;

Article [7(5)] of the American Convention on Human Rights reflects the right currently in effect, which states:

[Any person detained . . . shall be entitled to trial within a reasonable time or to be released without prejudice to the continuation of the proceedings.]

RESOLVES:

1. To condemn as a violation of human rights all detentions of

persons without judicial review in accordance with Article 5 of the American Convention on Human Rights;

2. To request the governments of the Hemisphere to take effective measures to stop the practice of prolonged detentions;

3. To urge bar associations to stress the gravity of this situation.

Resolution 18

THE INTER-AMERICAN BAR ASSOCIATION IN DEFENSE OF HUMAN RIGHTS IN THE AMERICAS

WHEREAS:

Taking into account Article I of the IABA Constitution,

RESOLVES:

1. To urge and recommend to its members (Bar Associations, National and Regional Associations and individual members) that they take the necessary measures for a better and more efficient compliance with the resolutions adopted by previous Conferences of the IABA so as to put into practice an effective defense to protect human rights;

2. To recommend to the IABA organizational members, our most qualified elements [and] critical supporters, to preserve and sustain the defense of human rights; that they become involved with the human rights national commissions in the American countries; and where they do not exist, to encourage the creation in order to achieve universal recognition of human rights in the American continent;

3. To give complete support to the American governments in everything that they undertake in the defense and promotion of Human Rights, so that the protection of Human Rights can become a reality.

Resolution 19

CONDEMNATION OF THE *COUP D'ETAT* IN HAITI**WHEREAS:**

Sovereignty resides in the nations and they delegate its implementation to democratically elected authorities, by means of periodic[ly] holding . . . secret nationwide elections;

The Charter of the Organization of American States, the American Declaration on the Rights and Duties of Man, and the American Convention on Human Rights establish the obligatory nature of the norms and principles with respect to democracy and fundamental human rights;

The *Coup d'Etat* that took place recently in Haiti is a flagrant violation of the rights of the Haitian people to elect freely their government[s];

The Organization of the American States has repudiated the military coup in Haiti and has adopted measures aimed at reestablishing democracy and human rights in that nation,

RESOLVES:

1. To condemn the *Coup d'Etat* that took place in Haiti;
2. To support all initiatives directed at reestablishing a permanent democracy and rule of law in the Republic of Haiti.

**COMMITTEE XIII on ECONOMIC
[ASPECTS] OF THE PRACTICE OF LAW**

Resolution 20

**CREATION OF A POST GRADUATE COURSE
SPECIALIZING IN PREVENTIVE LAW**

WHEREAS:

The IABA has recommended the promotion and dissemination of Preventive Law;

Consequently, bar associations, law schools, and universities have created courses and seminars on this new specialty;

In the legal profession *per se*, it behooves lawyers to explore new areas of practice, innovating and reaffirming other models of remuneration like the "pre-payment" system used in Preventive Law;

Capable professionals must be trained in this specialty therefore [a] skilled teaching staff is needed and it must also be trained;

It has already been recommended that this discipline be included as a subject in the career path for lawyers; and that it also requires that it be well taught, given the scope of its contents and the depth of knowledge required, like any other post-graduate specialty;

This topic has been dealt within the framework of the First Inter-American Course on Preventive Law, which falls within the responsibility of this Committee;

Within that framework, professionals as well as professors, university authorities and other legal personnel who practice this branch of law participated, and they have evaluated the objective as well as the methodology of Preventive Law. (Annex 1).

RESOLVES:

To recommend to the law schools, law school faculties, and American universities that they consider establishing a Post-graduate Course in Preventive Law.

COMMITTEE XIV on LABOR LAW AND SOCIAL SECURITY

Resolution 21

HARMONIZATION OF LABOR LEGISLATION, ESPECIALLY IN MATTERS RELATING TO SOCIAL SECURITY AND INDUSTRIAL WELFARE

WHEREAS:

The integration process of the European Economic Community is a challenge to the integration process in the American Nations;

This process has been based on harmonization of labor relations legislation and social security;

Economic growth in the countries requires the drawing up of a labor policy which integrates maximum protection for the worker in a climate that inspires the confidence of investors and adequate production levels;

The American countries have shown their desire to integrate and the majority have begun reforms to modernize their institutional systems while identifying the lack of harmonization among their legislation,

RESOLVES:

To recommend to the governments of the American nations harmonization of their labor legislation, primarily in the areas of social security and industrial welfare, social security, [stability], indemnization rules and work day, while guaranteeing respect for juridical norms and the independence of the legal system.

COMMITTEE XVI on INTELLECTUAL AND INDUSTRIAL PROPERTY

Resolution 22

COMPLETION AND UPDATING OF NATIONAL LEGISLATION DEALING WITH INTELLECTUAL AND INDUSTRIAL PROPERTY RIGHTS

WHEREAS:

Given the great importance of this field of law for the development of the American Nations,

RESOLVES:

1. To urge the improvement, development and updating of national legislation regarding Intellectual and Industrial Property Rights in the American Nations;
2. To promote the adoption of national legislation to permit adherence to the Convention of Paris and to other existing related international conventions;
3. To support modernization of the Public Offices for Registration of Intellectual and Industrial Property Rights;
4. To promote improved and closer relations with private professional organizations dealing with this field;
5. To promote the use of arbitration to resolve conflicts in this field of law;
6. To promote, in coordination with other organizations, seminars aimed at raising the consciousness of the public and private sectors as to the benefits resulting from the effective implementation of Intellectual Property Rights.

COMMITTEE XVIII on CORPORATE AND INSTITUTIONAL COUNSEL

Resolution 23

DEVELOPMENT OF STUDY PROGRAMS AND GRANTING OF FELLOWSHIPS RELATED TO LAW IN THE EUROPEAN ECONOMIC COMMUNITY (EEC)

WHEREAS:

The great interest generated by the reports on the status of the European Economic Community (EEC) and its evolution toward a Europe without borders in 1992;

The impact that the European Common Market will have on our economies and on the legal profession, especially its role in governing legal negotiations between European and American businesses;

The existing lack of training in various countries of our hemisphere in the law schools on the law of the EEC, as well as the limited access to related documentation,

RESOLVES:

1. To recommend the development of study programs and grant fellowships in law school, bar associations, and specialized centers on European Law;

2. To promote and support professional legal exchanges and internships between law offices, lawyers and institutions on both continents so as to aid in the formation of related careers;

3. To give impetus to the exchange of information among organizations specializing in integration to law schools, law centers and bar associations on European Law.

ANNEX 1 RESOLUTION 20

POSTGRADUATE CAREER IN THE SPECIALIZATION OF PREVENTIVE LAW

OBJECTIVE

This career specialization addresses as much the preparation of researchers and teachers as that of professionals capable of carrying out all the areas related to legal strategy and techniques, in different micro- and macro-economic contexts, in private, unipersonal (*unipersonales*) and business activities, as well as those that are carried out by public entities, whether governmental or commercial in nature.

Upon completion of the requirements in the study program and the final paper, the title of Specialist in Preventive Law will be awarded.

ADMISSIONS REQUIREMENTS

To register for the program, the applicant must possess the university title of attorney, clerk, or equivalent, in accordance with the rule of equivalences that is established and/or the system of reciprocity among institutions of higher learning may have been decided.

In the case of graduates with equivalent titles, the Program Director will decide the appropriate level of qualification.

PROFILE OF A GRADUATE

The skills that a specialist in preventive law will have will be the following:

1. To design, establish and execute the legal strategy of the client;
2. To handle the technical instrument specifically oriented to the necessary legal area in its pragmatic phase and apply the technique aimed at reducing the tribunal/court risk;
3. To be familiar with economic, financial, psychological, sociological, and medical criteria as a departure point for planning and

for decision making;

4. To interpret correctly the institutional frameworks in order to facilitate legal assistance;

5. To control the specific technology, especially with regard to information systems, in order to be able to use preventive criteria in accordance with the relevant legal framework for possible application to the client's work;

6. To develop an adequate theory and practice in using negotiation as an operative method to resolve conflicts, even in court and arbitrational instances;

7. To practice this learning in the area of his/her specialty.

CURRICULUM

The course has 6 seminars and 6 lectures:

1. Prevention
2. Ethics
3. Marketing
4. Interdisciplinary
5. Negotiation
6. Mediation

Curriculum Content

FIRST QUARTER

Prevention: Concept, background in other disciplines, nature, strategies and techniques of prior assistance.

Ethics: Definition, historical evolution, reconciliation with religion, unionism, colleagues and community, non-professional interests.

Optional Seminars.

SECOND QUARTER

Marketing on Charterization, compatibility with professional activity, systems, structure and form of message, determination of

duty, strategies and techniques for communication initiative.

Interdiscipline: Concept, multidisciplinary, interdisciplinary transdisciplinary philosophy and science, value of foreign knowledge.

Mandatory Seminars.

THIRD QUARTER

Negotiation: Definition, characterization, [notions] of conflict, principles and rules of negotiation.

Mediation: Specificity of this technique, background, methodology, transcendancy of sociological aspects, respected for affected interests.

Mandatory Seminars.

FOURTH QUARTER

The seminars which with the specific subject matter of the materials presented each quarter can be attended any time after the first quarter as an option; they are mandatory after the second quarter.

The other seminars, of which two are mandatory, are related to specific topics dealing with the substantive law.

ACADEMIC ACTIVITIES

The course is divided into four semesters with a total of six subjects and six seminars. In the first three quarters, two subjects and up to two seminars are held. In the last quarter, the remaining [are held] under the supervision of a tutor.

Schedule will vary between six and nine hours weekly.

EVALUATIONS

The students will be evaluated at the end of each session or seminar by means of monographic studies and/or speeches. They will finish an original research paper.