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# Report on the XXVI Inter-American Bar Association Conference

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## REPORTS

### REPORT ON THE XXVI INTER-AMERICAN BAR ASSOCIATION CONFERENCE

JOHN O. DAHLGREN\*

The XXVI Conference of the Inter-American Bar Association was held in Buenos Aires, Argentina May 9-15, 1987, sponsored by the Federación Argentina de Colegios de Abogados.

The texts of the resolutions adopted by the Conference are indicated below.\*\*

#### *Resolution 1*

#### *Declaration of Buenos Aires*

#### WHEREAS:

The bicentennial of the signing of the Constitution of the United States of America is being celebrated in 1987;

That Constitution was a significantly important source of inspiration to many of those who led the Latin American countries to independence, and had a notable influence on the formulation of the Constitutions and legal systems of many of the Western Hemisphere;

For many years the high ideals of law and justice enshrined in that Constitution have been part of the common patrimony of the entire continent;

Countries presently engaged in changing their Constitutions, wholly or in part, besides considering the constitutional principles set forth in the Constitution of the United States of America should affirm the importance and necessity of assuring in express

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\* Mr. Dahlgren is the Secretary General of the Inter-American Bar Association.

\*\* Resolutions 1 through 33 are translations of the original text.

terms the effective exercise of representative democracy, and should include in their Declaration of Rights the new postulates proclaimed in the American Convention on Human Rights, the "Pact of San Jose, Costa Rica";

This common heritage also involves the necessity of striving to achieve social justice as a precondition for the full development of the human being, and of underscoring the absolute necessity that those citizens to whom the people entrust its weapons, respect the institutions of civil authority,

### RESOLVES

1. To declare that the XXVI Conference of the Inter-American Bar Association presents a singularly appropriate opportunity to reaffirm the importance of the rule of law and of its strengthening through the effective exercise of representative and participatory democracy in the Americas, and also to recognize the valuable contribution to those objectives that the Constitution of the United States of America has been making since its promulgation 200 years ago.

2. To urge those American countries that are now considering constitutional changes to adopt in clear and definitive form a positive concept of representative and participatory democracy, assuring the effective exercise of individual rights and liberties, compatible with the new ideals of the human being.

3. To recommend, for this purpose, that the American countries recognize those positive rights that make accessible the fruits of our highly technical civilization and its ever more extensive culture, with a tilt toward the material and moral improvement of the individual.

4. To suggest to Constitutional Conventions that in drafting Declarations of Rights they take into account the general principles of the American Convention on Human Rights, the "Pact of San Jose, Costa Rica," including the right of individuals to creative activity, the right to work, the right to a reasonable standard of living, the right to be protected against misfortunes of life, such as illness and old age, the right to secure conditions of life and the right to an education.

5. To reaffirm that democracy, as a form of government and as a lifestyle, is the only system that enables individuals to realize their full potential, and peoples to live in close community and in peace. For these reasons the lawyers of the Americas pledge them-

selves to fight for the full effectiveness of representative democracy and the rule of law.

COMMITTEE I. PUBLIC AND PRIVATE INTERNATIONAL LAW

*Resolution 2*

*Ratification of the 1985 Protocol of Amendment of the Charter of the Organization of American States*

WHEREAS:

The General Assembly of the Organization of American States, at its session held in 1985 in Cartagena de Indias, Colombia, approved a Protocol of Amendment of the OAS Charter;

The said Protocol contains, among others, amendments concerning legal, economic, social and cultural aspects of inter-American relations;

Several member states of the OAS have already ratified said Protocol;

The Inter-American Bar Association and the Organization of American States maintain, since 1957, cooperative relations,

RESOLVES

To recommend to the member associations of the Inter-American Bar Association that they urge the governments of their respective countries, which have not yet done so, to ratify the Protocol of Amendment of the Charter of the Organization of American States, approved by the OAS General Assembly at its session held in Cartagena de Indias, Colombia, in 1985.

*Resolution 3*

*Feasibility of Creating a Latin American-Caribbean Space Agency*

WHEREAS:

In 1992 the 500th anniversary of the discovery of America, one of the last frontiers on earth, will be celebrated;

The exploration of new fields inevitably has resulted in innumerable benefits for mankind;

Space exploration has great potential for economic and social benefits for the countries participating in such activities, given the

enormous possibilities for new discoveries resulting from same;

The integration of Latin America and the Caribbean into space-related activities is essential so that said region may also participate in and enjoy the resulting economic benefits, and

The European Space Agency has had, and continues to have, beneficial results in economic, scientific and other fields for the countries which have participated in the work thereof, having jointly achieved a certain degree of parity with the current space powers,

#### RESOLVES

To urge the governments of the American countries to establish a Multinational Commission to study the feasibility of creating a Latin American-Caribbean Space Agency for the purpose of fully incorporating the countries of said region into space-related activities with peaceful objectives, so that said countries can enjoy the resulting technical and scientific benefits and participate in the exploration and development of this last frontier of mankind.

#### COMMITTEE IV. CIVIL LAW, PROCEDURE AND LITIGATION

##### *Resolution 4*

##### *International Return and Maintenance of Children*

#### WHEREAS:

There is a need to bring up-to-date national legislation and Private International Law in matters concerning the protection of minors and the family, especially in American countries;

The Organization of American States (OAS), through the Inter-American Specialized Conference of Private International Law (CIDIP), is carrying out an important codification work of international law in several areas, including family and minors' rights;

The General Assembly of the OAS has convoked the CIDIP IV and the topics "International Return of Minors" and "Maintenance of Minors" have been suggested for inclusion in the Conference draft agenda; and there is also a Draft Inter-American Convention on International Return of Minors, prepared by the Inter-American Juridical Committee,

#### RESOLVES

To recommend to the Inter-American Juridical Committee,

the Inter-American Children Institute and the Secretariat for Legal Affairs of the General Secretariat of the OAS, to continue their programs on matters concerning Family Law, at the international level, such as the international return of minors and maintenance of minors.

*Resolution 5*

*Genetic or Artificial Methods of Reproduction*

**WHEREAS:**

New genetic or artificial methods of reproduction, fertilization *in vitro* and surrogate motherhood, generate a number of ethical and moral questions pertaining to modern family law;

Respect to human dignity should be taken into account in the legal standards,

**RESOLVES**

To recommend to the American countries that they carefully study the legal questions generated by the new genetic methods of reproduction and that they enact appropriate legislation to prevent malpractice and commercialization in the use of these new methods.

**COMMITTEE V. COMMERCIAL LAW AND PROCEDURE**

*Resolution 6*

*Venture Capital Companies*

**WHEREAS:**

Small and medium sized enterprises constitute the largest portion of economic units within the American continent;

Those types of enterprises constitute a vital sector of the economies, creating opportunities, employment sources and building up general development; but precisely because of their size they suffer from high vulnerability,

**RESOLVES**

To recommend that the American countries implement the creation of venture capital companies with the socio-economic purpose of assisting small and medium sized enterprises by granting them the proper structure for obtaining the venture capital, neces-

sary for their consolidation and growth.

*Resolution 7*

*Settlement of Commercial Disputes*

WHEREAS:

Arbitration is a valuable means for the settlement of international commercial disputes,

RESOLVES

1. To recommend to the American countries which have not done so:

(a) To ratify or accede to the Inter-American Convention on International Commercial Arbitration (Panama, 1975), and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958);

(b) To consider enacting legislation on the basis of the UNCITRAL Model Law on International Commercial Arbitration.

2. To recommend to the member associations and individual members of the Inter-American Bar Association that they promote in their respective countries ratification of the Conventions referred to in paragraph 1 a) of this resolution.

*Resolution 8*

*Unification of Private Law*

WHEREAS:

The traditional distinction within the scope of Private Law between Civil Law and Commercial Law is increasingly being questioned, as to its present validity, efficiency and foundation;

Such questioning is justified because unification of Private Law would respond better to reality, providing uniformity, clearness and effectiveness in this field of law;

Such unification trend has been supported by recommendations and conclusions of several qualified meetings of jurists, both domestic and international,

RESOLVES

To recommend to the American countries that they promote

unification of Private Law in order to bring greater uniformity, clearness and effectiveness to Private Law.

*Resolution 9*

*International Sale of Goods*

WHEREAS:

Uniformity of national laws on sales facilitates international trade transactions;

To this end the United Nations Convention on Contracts for the International Sale of Goods was concluded at Vienna in 1980, and it is anticipated will enter into force on January 1988,

RESOLVES

To recommend to the American countries that have not done so that they sign and ratify the United Nations Convention on Contracts for the International Sale of Goods.

COMMITTEE VII. MILITARY LAW

*Resolution 10*

*Plans and Programs on International Humanitarian Law*

WHEREAS:

The Geneva Conventions of 1949 and Additional Protocols of 1977 which constitute International Humanitarian Law or Law of War oblige the states to promote the content of its rules, particularly in the military sphere, so that they are duly known and respected;

That this extremely important obligation will not be effectively met unless training programs and plans are established;

The above mentioned obligation is indispensable for the effective application of said rules, concerned mostly for armed conflicts,

RESOLVES

To recommend to the Bar Associations of the American countries to encourage their respective governments, through the appropriate channels, to organize and implement training plans and programs concerning the content of International Humanitarian Law or Law of War, both in the military and civil sphere, so that

their rules can be known by the Armed Forces and the civilian population.

*Resolution 11*

*Convocation of an International Conference to Examine the  
Combatants Regulations*

WHEREAS:

One of the main rules of International Humanitarian Law is to oblige all combatants to properly distinguish themselves from the rest of the civilian population during the development of an armed conflict;

The amendments introduced in Protocol I of 1977, additional to the Geneva Conventions of 1949 regarding the Combatants Regulations, have brought such measures to extremely low limits thereby jeopardizing proper enforcement of this rule and the protection offered to the civilian population for the purpose of mitigating as much as possible the sufferings and damages caused by the war,

RESOLVES

To request the Bar Associations of the American countries to explore through appropriate channels the feasibility of seeking the adoption by their respective governments of measures to encourage the Swiss Government, as depositary of the 1949 Geneva Conventions, to convene an International Conference of the state parties of these Conventions, to examine the provisions governing the Combatants Regulations foreseen in Protocol I of 1977, additional to the Geneva Conventions of 1949.

COMMITTEE VIII. DEVELOPMENT AND INTEGRATION

*Resolution 12*

*Agreements That Tend Toward a Greater Bilateral and  
Regional Economic Cooperation*

WHEREAS:

In Latin America a conviction persists that it is possible to structure a system to integrate the economies of the region and that the majority of the countries favor a flexible and gradual process, whose dynamic force is concentrated on bilateral or multilat-

eral agreements which contemplate regional or sectorial programs and, at the same time, favor the accomplishment of local complementation projects among contiguous border regions,

## RESOLVES

To recommend to the member countries of the Latin American Integration Association (LAIA) and to the pertinent organizations, that they study and analyze in depth the bilateral or multilateral agreements that tend toward a greater bilateral and regional economic cooperation and complementation.

### *Resolution 13*

#### *Transfer of Technology*

## WHEREAS:

Technology constitutes a decisive tool for the progress and welfare of modern societies;

The development of new technologies requires increased capital investments that are made only in countries that grant effective legal protection to private property in general, and particularly to intellectual property;

It is essential to avoid the continued widening of the technological gap between the highly developed countries on one hand, and the Latin American countries on the other hand;

Therefore it is extremely necessary to enable the latter to receive an adequate influx of technology from the former, without prejudice to the development of their own technology as far as resources devoted to scientific and technological research may allow it;

That government regulations regarding transfer of technology agreements only have served to obstruct the inflow of new technology and to delay industrial development, due to their interventionist, restrictive and bureaucratic nature;

That private businessmen are the best qualified people to select the technologies they need and to negotiate their acquisition,

## RESOLVES

1. To urge lawyers, courts of justice, legislators and officials of the Latin American countries to adopt practical and realistic criteria in connection with the transfer of technology, based on the ef-

fective acknowledgement of its value for the industrial development of those countries.

2. To point out the necessity that Latin American countries urgently update their patent legislation, in order that the latter grant effective protection to the results of intellectual work and of capital investments made in research, without exclusions of any sort.

3. To recommend to the governments of the Latin American countries the updating of laws restricting the inflow of technology from abroad, and its replacement with systems of assistance in information to those local businessmen who ask for it with regard to the search and acquisition of such technology from other countries.

4. To encourage business associations and public and private universities of the Latin American countries to cooperate, and to coordinate the efforts of both sectors in order to modify and adapt university criteria and teaching methods to the possibilities and present necessities of the productive sector of goods and services in each country.

#### COMMITTEE IX. LEGAL EDUCATION AND LEGAL PROFESSION

##### *Resolution 14*

##### *Creation of a Permanent Center to Collect, Cooperate and Exchange Information*

#### WHEREAS:

Among the objectives of the Inter-American Bar Association are "To establish and maintain relations between associations and organizations of lawyers, national and local, in the various countries of the Americas, to provide a forum for the exchange of views" and "To uphold the honor of the profession of the law; to encourage cordial relations and fellowship among the lawyers of the Hemisphere";

It is necessary to bring about an exchange of information on various subject pertinent to the scientific progress of law to which all aspire, related to the Legal and Social Sciences;

Lawyers who have distinguished themselves in their respective countries in various aspects of the legal profession, whether as judges, as public or private officials, in teaching, politics or writing, deserve to be remembered, especially by their colleagues, and also

by the public in general;

The associations' members of the Inter-American Bar Association should be known for their accomplishments as well as for information relating to their respective dates of organization, by-laws and number of members or affiliates;

For these purposes, it is necessary to issue a call for data that in due course will appear in publications for the interchange of information,

### RESOLVES

1. To create a permanent Center to Collect, to Cooperate and to Exchange Information under the responsibility of Committee IX, Legal Education and the Legal Profession, which has offered to assume initially the task of compiling biographies, historical data and statistics of general interest, regarding lawyers of the Americas who have distinguished themselves in the Western Hemisphere by contributing to the progress of the Legal and Social Sciences, whether as judges, in public or private roles, in teaching, politics or writing. In addition, it will have the function of assembling data, by-laws and other elements of interest regarding the associations' members of the Inter-American Bar Association (IABA).

2. To urge individual members and member associations of the IABA to transmit to the aforementioned Center biographies, studies and by-laws, especially those referring to legal education, organization of the justice system, law practice, norms for professional practice, ethics, social security for lawyers, and any other subjects that merit study.

3. To entrust the carrying out of this Resolution to the Chairman of Committee IX, who shall coordinate his activities with the Secretary General of the IABA and with the Inter-American Academy of International and Comparative Law, in order to make possible publication of the material when that is deemed appropriate.

### *Resolution 15*

#### *Contemporary Problems in University Teaching Programs*

### WHEREAS:

The teaching programs of Law Schools lack appropriate attention to present-day problems;

The conciliatory activity of lawyers should be encouraged so as

to avoid, when possible, taking disputes to the court rooms; and

Modern technology should be utilized in the Law Schools,

#### RESOLVES

1. To urge that the study of contemporary problems be included in university teaching programs.

2. To promote, as community habit, prior consultation with a lawyer to seek solutions to problems in order to avoid taking disputes to court.

3. To recommend to Law Schools that, whenever possible, they make use of computers in courses suited thereto, as a means of supplementing the lectures of the Professors.

#### *Resolution 16*

#### *Law in Education*

#### WHEREAS:

There is a need to provide legal education in the lower grades of the schools;

Many people lack instruction regarding legal rules applicable to them,

#### RESOLVES

1. To urge the governments of the American countries to take steps aimed at establishing and strengthening programs on "Law in Education" which, through formal and informal instruction, impart a better knowledge and understanding of rights, obligations, the legal system, legal institutions and moral values, in addition to developing skills and abilities, with the aim of making citizens better informed and more responsible on the civic and the political levels, in personal as well as in local and national affairs.

2. To promote courses on "Law in Education" in school programs.

#### *Resolution 17*

#### *Forming a True Legal Ethics Conscience*

#### WHEREAS:

Along with the substantive knowledge they impart in training

lawyers, Law Schools should include the formation of a true legal ethics conscience, so the communities that lawyers serve will gain increasing confidence, not only in their knowledge, but above all in their honesty and moral qualities, the protectors of their respectability;

Lawyers are looked upon, expressly in some legislations, as masters and "priests" of the justice system; and that can be a laudable reality if along with academic training, professors permanently include suggestions to create a legal ethics conscience,

#### RESOLVES

To convey by appropriate means to the universities of the Americas, and especially to their Law Schools, the points of view set forth in this resolution pertaining to the formation of a true legal ethics conscience.

#### COMMITTEE XI. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

##### *Resolution 18*

##### *Environmental Protection*

#### WHEREAS:

The XXIV Conference of the Inter-American Bar Association held in Panama, recommended that Committee XI prepare a draft Environmental Code for the American countries;

It is difficult to arrive at a comprehensive juridical system given the diverse situations and circumstances that must be evaluated in order that resulting positive rules provide an adequate response to each of them,

#### RESOLVES

To recommend to Committee XI that:

1. It state precisely those topics within its competence, with regard to which it feels multilateral action by the governments of the Americas is possible and proper, whether this ought to be carried out by approval of conventions and treaties or whether it ought to be done through parallel legislation. In that respect it would be advisable to give special attention to the possibility of extending the October 12, 1940 Washington Convention to include environmental topics, which are not presently contemplated

therein, and to the drawing up of institutional mechanisms designed to oversee compliance therewith.

2. Any institutional system suggested would include, among others, the following topics: a) International commerce and transportation of foodstuffs, and toxic and dangerous substances; b) Exportation of environmentally dangerous technologies or products prohibited in their countries of origin; c) Application of the principle of "contaminator-payer", in the international, inter-American area, referring to those industries that compete in their exports.

3. It presents to the next Conference a methodology for defining policies and national legislation on matters relating to natural resources and environmental protection, bearing in mind that eventually those affected will be participating therein, and including a statement on the reasons for such methodology.

### *Resolution 19*

#### *Problems of Food Resources in the World*

#### WHEREAS:

Part of the human race hovers between hunger and underdevelopment, yet, elsewhere on the same planet, food surpluses have filled granaries to over-flowing;

Food production in some countries is impaired by fluctuating and fiscally unsound policies that reduce incentives for productivity and produce economic and practical deficits, others subsidize production or non-production to avoid surpluses and artificially maintain prices at a commercially acceptable level;

While thousands of persons die daily from starvation, some 30% of world food production is wasted because of inadequate storage and processing, both due to lack of purchasing power of consumers or protectionist measures against producers;

Counterproductive practices within legal systems that tend to distort or artificially control the market place should be identified and rejected with respect to the development, production, and sale of food resources,

#### RESOLVES

1. To urge the United Nations that, to the extent possible within its authority, it sponsor the creation of conventions and treaties dealing specifically with the aforesaid problem and possi-

ble solutions.

2. To transmit a copy of this resolution to the United Nations and to the Organization of American States.

## COMMITTEE XII. HUMAN RIGHTS

### *Resolution 20*

#### *Freedom of the Press*

#### WHEREAS:

Human Rights are already well defined and duly typified, but there are still many doubts about more efficient means to guarantee their effectiveness;

Strong public opinion is one of the most effective means of guaranteeing human rights;

A free press is essential to the formation of strong public opinion;

Experience in American countries shows that where there exists a vigorous and truly free press, systematic violations of human rights do not occur,

#### RESOLVES

1. To recommend to the governments of the American countries that all possible efforts be made to guarantee freedom of the press as a necessary element for the protection of the people against human rights violations.

2. To recommend, likewise, that the rights of people to have a free press be included as a human right in itself, as a basis and guarantee of all the other human rights.

3. That any restriction to the freedom of the press be considered as a violation of human rights.

### *Resolution 21*

#### *Equality of Human Rights*

#### WHEREAS:

The rights recognized to individuals by numerous declarations and regional and international conventions actually in effect, find a common base in the fact that they derive from the dignity of the

human being as stated in the Universal Declaration of Human Rights and the American Declaration of Rights and Duties of Man, among other instruments;

That as a consequence of such common origin, all rights consecrated in the American Declaration of Rights and Duties of Man, in the International Conventions of Civil and Political as well as Economic, Social and Cultural Rights, in the American Convention of Human Rights and in the other documents concerning the recognition and protection of those rights, are invested with the same basics and nature,

## RESOLVES

To declare:

1. That all rights enumerated in the Declarations and international and regional conventions mentioned above are invested with the same basics and nature.

2. That an arbitrary differentiation between human rights considered to be fundamental and others to which such status would be denied, would not respect the letter nor the spirit of the referred documents and declarations.

### *Resolution 22*

#### *Legal Representation of Individuals before the Inter-American Court of Human Rights*

## WHEREAS:

Both the Inter-American Commission and the Court of Human Rights have extraordinary importance in the protection and development of human rights in the Hemisphere;

The role of individuals and, in particular of the victims, in the defense of their rights is essential;

The actions of the Commission and of the Court should be strengthened, allowing access by individuals and by victims to the proceedings that affect them, through direct legal representation;

The rights of lawyers in the exercise of their profession, through representation of their clients before said entities is an essential element of due process;

To such ends it is necessary to amend the actual regulations of the Commission and of the Inter-American Court of Human

Rights,

## RESOLVES

To recommend that in those cases presented by the Commission or by the American countries before the Inter-American Court of Human Rights, direct legal representation of the affected individuals be permitted in all proceedings, through the necessary amendments to the existing regulations.

### *Resolution 23*

#### *Rights of the Handicapped*

#### WHEREAS:

The handicapped are a part of a society whose reality is frequently disregarded;

In many instances the conditions of the handicapped are the result of acts or omissions attributable to society itself, such as those handicapped because of malnutrition;

To effectively attain the principle of equality before the law, lawyers should impose upon themselves the ethical obligation to protect and promote the rights of the most deprived members of society, including the handicapped,

## RESOLVES

To recommend to Member Associations of the Inter-American Bar Association that they establish commissions with the specific purpose of promoting and defending the civil rights of the handicapped.

### *Resolution 24*

#### *Preservation and Conservation of the Environment*

#### WHEREAS:

Along with the development of human rights, the importance of respect, protection and conservation of the environment has been recognized as a condition for the survival of humanity;

The right to life includes the fundamental right to enjoy a healthy environment;

The Declaration of Stockholm and resolutions of the United Nations contain pronouncements concerning the environment,

## RESOLVES

To recommend to the American countries:

1. To incorporate in their Constitutions as a guaranteed principle, the right of the people to enjoy an environment compatible with the preservation of nature.
2. To incorporate in their legislation substantive and procedural standards that would permit the protection, through judicial proceedings, or private and public environmental interests without the need to establish actual or individual damage.
3. To recognize the right to appear in Court to nongovernmental organizations which defend environmental interests.
4. To regulate the individual right to obtain information from governments and to guarantee public participation in decisions that affect environment.

## COMMITTEE XIV. LABOR LAW AND SOCIAL SECURITY

*Resolution 25**Changes in the Labor Situation*

## WHEREAS:

There is a tendency for some countries to intervene in labor relations, signifying that their laws are not keyed to socio-economic realities, even though the consequences of such interventions are not always disadvantageous to the workers;

On the other hand, labor law contains protections for workers which, in effect, constitute social security;

There are many advantages for both employers and workers when they engage in collective bargaining,

## RESOLVES

To recommend:

1. A profound revision of labor law in the Americas to conform with socio-economic reality in each country.
2. A systematic division between labor law and social security.
3. More use of collective bargaining.

*Resolution 26**Unemployment Insurance in Latin America*

## WHEREAS:

Unemployment insurance requires an advanced social security system with strict conditions for its grant and control;

It is necessary to establish a comprehensive unemployment insurance system in Latin America,

## RESOLVES

To recommend to the Latin American countries that they establish a comprehensive unemployment insurance system.

*Resolution 27**Probationary Periods in Labor Contracts*

## WHEREAS:

The probationary period of employment contracts gives both employers and employees the opportunity to get to know each other, while protecting all rights and obligations provided by the contract, with the sole exception that either party can, without cause, rescind the contract without any obligation to give notice or compensation to the other party for the termination,

## RESOLVES

To recommend to the American countries which do not currently have such legislation that they adopt laws providing for a probationary period in workers' contracts so that the parties can get to know each other, while mutually respecting the contractual rights and obligations that the law establishes, but also providing that during the probationary period, either party can terminate the employment agreement without any specific requirement.

*Resolution 28**Non-Discrimination Against Immigrant Workers*

## WHEREAS:

All workers, regardless of whether they are native born or immigrant, must have the same labor rights, without prejudicing the right of each country to set its own immigration policies,

## RESOLVES

To recommend to the American countries that their labor laws provide for non-discrimination against immigrant workers.

*Resolution 29**Stability in Employment*

## WHEREAS:

In the American countries, many employers have encountered economic problems which have resulted in the loss of jobs for their employees,

## RESOLVES

To recommend to the American countries that they enact labor legislation providing that when employees are fired or laid off as a result of economic situations, that such former employees must receive preference for reinstatement when the employer resumes hiring or has job openings which cannot be filled by current employees.

## COMMITTEE XV. PHILOSOPHY OF LAW

*Resolution 30**Advisory Committee on Ethics on Science and Technology*

## WHEREAS:

The great importance of discoveries which have taken place, during the last years, in the field of biology, genetic and general medicine, as well as new techniques of human reproduction;

Humanity has reached, at present, not only a better knowledge of the roots of life but is also ready to intervene actively;

The new artificial fertilization techniques—artificial insemination, *in vitro* fertilization, surrogate mother—and all topics related to this matter, require immediate profound and serious research, and interdisciplinary reflection;

Science and techniques should constitute neither the only nor the final truth since the progress of science must contribute, in the final instance, to “humanity” a higher value than “utility”;

These new problems (in which man appears as both the object and subject of research, and in which society will be the final recip-

ient) must be analyzed under ethical and juridical criteria, with the aid of other sciences, in order to respect the human being and basic human rights, in a personalized conceptualization of human beings that see this as an end in itself and not simply as a means or an instrument, and

According to the American Convention on Human Rights (Pact of San Jose, Costa Rica, 11-22-69), which ratification by all member countries is an urgent and unavoidable juridical-ethic duty, the Inter-American Commission of Human Rights must "promote respect for and defense of human rights. . ." and "develop an awareness of human rights among the peoples of America" (art. 41),

#### RESOLVES

1. To support the creation, within the Inter-American Commission of Human Rights, of an Advisory Committee on Ethics on Science and Technology.

2. To suggest that said Committee include scientists, congressmen, jurists, philosophers, psychologists, sociologists, and representatives of the principal religions of the Americas, in the manner and conditions as may be determined by the Organization of American States.

3. To propose that the Committee study the inter-disciplinary ethical problems about science and technology, particularly on human artificial reproduction, in order to submit pertinent reports to the Inter-American Commission on Human Rights, which, in cooperation with the Inter-American Council for the Education, Science and Culture, will make the corresponding recommendations to the member States.

4. To propose that the Conference of Ministers of Justice of the member States of the OAS seek to promulgate uniform legislation which adequately should guarantee respect for the dignity of all persons and of the human rights derived from that legislation.

#### *Resolution 31*

#### *Institutes, Course and Philosophy of Law Journal*

#### WHEREAS:

The American philosophy of law has particular characteristics with diverse and profound ideas which place the Continent in a

position to express itself in the common effort to develop this field of law in the world; and that it is urgent to promote dialogue on the matter among the American people,

### RESOLVES

1. To invite professional institutions of the Americas, dealing with research and teaching, to create institutes for study and education, in order to consider the problems of the American philosophy of law and the trends of its diverse concepts in America; and that Committee XV. Philosophy of Law be entrusted with promoting of such institutes.

2. To propose the establishment of an Inter-American Course on Philosophy of Law under the auspices of the Inter-American Academy of International and Comparative Law.

3. To entrust Committee XV. Philosophy of Law with the publication of an "Inter-American Philosophy of Law Journal," with the aforementioned purpose, and to take appropriate steps, according to the rules of IABA, to obtain the necessary resources.

### COMMITTEE XVI. INTELLECTUAL AND INDUSTRIAL PROPERTY

#### *Resolution 32*

#### *Inventions and Other Intellectual Creations*

#### WHEREAS:

There is a need for all countries to become beneficiaries of significant technological developments which take place in the various areas of productive activity;

One of the most effective means for countries to accept these technological developments and increase their productive activities are the laws which govern inventions and other intellectual creations and which should be applied more uniformly across the continent; and

Some countries have yet to develop efficient systems for the protection of new inventions and other intellectual creations;

#### RESOLVES

Recommend to the American countries:

1. That they pay immediate and serious attention to the legal protection of inventions and other intellectual creations, particu-

larly in such fields as genetic engineering, computer software and integrated circuits and promptly promulgate appropriate regulations for the effective application of legal standards to provide such protection.

2. That they direct their efforts at the same time also towards harmonization of their intellectual and industrial property.

#### COMMITTEE XVII. LAWS ON TELECOMMUNICATIONS

##### *Resolution 33*

##### *Deregulation of Telecommunications Services*

#### WHEREAS:

There exists a universal tendency toward deregulation of telecommunications services, founded in a basic market desire for improved existing services, the institution of new and enhanced services, the creation of new industries, the reduction of tariffs and the facilitation of a free flow of information among all nations and peoples of the world; and

These principles are fundamental, particularly in developing countries and should be applied broadly with special attention to the peoples of regions where the basic means of communications are lacking; and

The benefits of laws which encourage and protect private investment in telecommunications services, such as the increased development of technology and the creation of new sources of jobs, make it essential to recommend extensive and profound research into all aspects of telecommunications,

#### RESOLVES

1. To recommend:

(a) Adoption of the principles of deregulation of telecommunications services in the American countries.

(b) The privatization of telecommunications services taking into account the benefits of private investment which will generate the creation of new sources of jobs, including jobs in new information services areas such as data entry, voice, telemarketing and others, and making possible new services in the areas of education, medicine and the public welfare.

(c) The deregulation and the privatization of broadcasting ser-

vices in general and of other information media.

(d) To the American countries that they ratify the International Telecommunications Satellite Treaty as an addition to national legislation.

2. To support educational programs on telecommunications within the juridical science to the effect that existing telecommunications services, within the legal framework of each country, will be enhanced and improved and new technologies will be incorporated.

COMMITTEE XVIII. CORPORATE AND INSTITUTIONAL COUNSEL

*Resolution 34*

*Corporate and Institutional Counsel*

**WHEREAS:**

It is considered timely to extend special attention to the legal requirements of corporations and institutions in order to further the purposes of the Inter-American Bar Association,

**RESOLVES**

1. To recommend to the members of the Inter-American Bar Association the establishment of groups and committees in each country and major cities for the purpose of facilitating the understanding of the role of corporate and institutional counsel and those lawyers who represent corporations and institutions.

2. To recommend to Committee XVIII. Corporate and Institutional Counsel to coordinate the efforts of such groups and Committees.