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Inter-American Bar Association

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INTER-AMERICAN BAR ASSOCIATION

JOHN O. DAHLGREN
Secretary General
Inter-American Bar Association

IABA COUNCIL

The IABA Council was scheduled to meet in Buenos Aires and La Plata, Argentina, April 26-27, with the *Federación Argentina de Colegios de Abogados* and the *Caja de Previsión Social para Abogados de la Provincia de Buenos Aires*, as joint hosts.

PERMANENT COMMITTEES

Following is a list of the Permanent Committees and Sections of the Inter-American Bar Association as revised at the XVIII Conference of the Association held in Rio de Janeiro August 18-24, 1973:

Committee I. PUBLIC INTERNATIONAL LAW

- Section A. Oceanography and the Law of the Sea
- Section B. United Nations and Hemispheric Organizations
- Section C. Juridical Defense of Western Democracy
- Section D. Inter-American Air Law

Committee II. PRIVATE INTERNATIONAL LAW

- Section A. International Judicial Procedure

Committee III. CONSTITUTIONAL LAW

- Section A. Defense of Independence of the Judiciary and Irremovability of Judges
- Section B. Delay and Congestion in the Courts
- Section C. Constitutional Problems of Latin American Integration

Committee IV. MUNICIPAL LAW

Section A. Housing Law

Section B. Urban Law

Committee V. CIVIL LAW

Section A. Law of the Person and of the Family (Law of the person, paternity, heirship, domestic relations)

Section B. Law of Personal Property, Obligations and Contracts (Civil Liability, Negligence, Contracts)

Section C. Intellectual and Industrial Property

Committee VI. CIVIL AND COMMERCIAL PROCEDURE

Section A. Inter-American Commercial Arbitration

Committee VII. COMMERCIAL LAW

Section A. Banking and Trust Laws

Section B. Transportation

Section C. Corporation Law

Section D. Insurance

Section E. Bankruptcy

Section F. Communications

Section G. Capital Markets

Committee VIII. CRIMINAL LAW AND PROCEDURE**Committee IX. LABOR LAW****Committee X. FISCAL LAW**

(*)Section A. Taxation

Section B. Customs Law

Committee XI. LEGAL ASPECTS OF DEVELOPMENT AND INTEGRATION

Section A. Legal Aspects of Economic Development and Integration

Section B. Monopoly and Restrictive Commercial Practices

Committee XII. LEGAL EDUCATION

Section A. Inter-American Academy of International and Comparative Law

Section B. Deans of Law Schools in the Western Hemisphere

Committee XIII. LEGAL DOCUMENTATION

Committee XIV. ACTIVITIES OF LAWYERS

Section A. Professional Standards of Conduct

Section B. Assistance and Social Security for Lawyers

Section C. Legal Aid

Section D. Problems in starting the Legal Practice

Committee XV. NATURAL RESOURCES

Section A. Oil and Gas Laws

Section B. Laws Concerning Agriculture

Section C. Environmental Law

Committee XVI. SPACE LAW

Committee XVII. MILITARY LAW

Committee XVIII. HUMAN RIGHTS

(*)Committee XIX. FOOD AND DRUG LAW

Committee XX. NUCLEAR LAW

Committee XXI. ADMINISTRATIVE LAW AND PROCEDURE

(*)Members of Committees X. Sec. A, and XIX, pay \$5.00 annual dues in addition to their annual dues as individual members of the Association, in accordance with the respective Committee By-Laws.

RESOLUTIONS, RECOMMENDATIONS AND DECLARATIONS*

XVIII CONFERENCE OF THE
INTER-AMERICAN BAR ASSOCIATIONAugust 18-24, 1973
Rio de Janeiro, Brazil

COMMITTEE IX. LABOR LAW

*Res. 23**Harmonization of Labor Laws*

WHEREAS:

The creation of the Labor Law Committee provides an opportunity to study and evaluate Labor Law in the Americas in a comprehensive manner.

The development of Labor Law in the Americas, notwithstanding the value of different experiences and legal solutions arising out of local conditions peculiar to each region and country, should be consistent in respect of the application of universally recognized legal philosophic sources;

To promote consistency in the application of these legal sources, a program should be undertaken looking toward harmonization, compatible with the realities in each region or country, in such matters as stability of employment, which is the keystone of social security, worker participation in enterprises; and creation of special court procedures in labor matters, different from civil procedures.

RESOLVES

To authorize the Labor Law Committee to undertake such a study, and to seek the cooperation of appropriate institutions in the countries of the Americas, as well as of international organizations, to carry it out.

*Resolutions 1 to 22 appeared in Vol 5, No. 1 of the *Lawyer of the Americas*.

**Resolutions marked with an asterisk are translations of the original text.

COMMITTEE X. FISCAL LAW

Section A. Taxation

Res. 24Relations between tax authorities and taxpayers*

WHEREAS:

Relations between tax authorities and taxpayers give rise to situations which cause problems of many kinds;

Such relations should be improved through tax education, and effective attainment of justice in tax matters by appropriate legal procedures, and

The Bar Associations are in a position to take steps to improve such relations.

RESOLVES

To urge the Bar Associations, within their respective countries, to promote improvement of relations between tax authorities and taxpayers, by means of effective tax education; achievement of better justice in tax matters through improved legal procedures; and the adoption of all necessary measures to simplify compliance with tax obligations, and provide effective consideration of well-founded claims of taxpayers.

Res. 25Information Center on Fiscal Law*

WHEREAS:

A project for the creation of an Information Center on Fiscal Law, to be located in the city of Rosario, Argentina, has been submitted by the Inter-American Association of Fiscal Law, with a description of the project's functional features as set forth in the organization charts, and

Creation of the Information Center on Fiscal Law represents a practical and important means of stimulating research, study and improve-

ment of tax law that is the aim of the work which has been carried out by Committee X in former Conferences of this Association,

RESOLVES

To support the project of the Inter-American Association of Fiscal Law for the creation of an Information Center on Fiscal Law, and to recommend that members of this Association give their support to the project so that it may become operative as quickly as possible.

COMMITTEE XI. LEGAL ASPECTS OF DEVELOPMENT AND INTEGRATION

Section A. Legal Aspects of Economic Development and Integration*

**Res. 26*

Multinational Corporations

CONSIDERING:

The necessity of pursuing studies on multinational corporations.

RESOLVES

To adopt, as central themes to be considered at the next Conference, a legal definition of multinational corporations; their capacity of decision; and legal aspects connected with such corporations, including laws which regulate them in countries where they do business.

**Res. 27*

Draft Charter of Economic Duties and Rights of States

*See also resolutions of Com. VII. Sec. A.

WHEREAS:

The principles contained in the Draft of the Charter of Economic Duties and Rights of States, proposed by the Mexican Government, were presented for the consideration of this XVIII Conference by the delegation of that country, and

Those principles promote cooperation and solidarity in international economic relations and are related to the Declaration of Human Rights and to the integration and development of the American States; and their importance makes it necessary that they be studied.

RECOMMENDS

That the Draft of the Charter of Economic Duties and Rights of States be studied in national conferences in the countries of this Hemisphere, in accordance with general principles promoting Inter-American economic integration and development.

Res. 28Practice of Liberal Professions*

RECOMMENDS

1. That the member associations of the Inter-American Bar Association propose to their governments the adoption of an Inter-American Convention to establish standards to facilitate the practice of liberal professions.

2. To the American States which have not yet done so, that they incorporate into their laws the rules of the Treaty of Montevideo on the exercise of liberal professions.

3. To the American States which have not yet done so, to incorporate into their laws standards on social security for lawyers and other liberal professionals.

COMMITTEE XII. LEGAL EDUCATION

*Res. 29**Membership for Law Students*

RESOLVES

That the Constitution and By-Laws of the Association be duly amended to provide for a law student category of membership in the Inter-American Bar Association which shall afford all non-graduate law students in the Americas who make application in proper form, together with payment of annual dues in the amount of US\$2.00, the opportunity of becoming law student members of the Association with all rights of membership except the right to vote or hold office.

COMMITTEE XIII. LEGAL DOCUMENTATION (*)

Res. 30Data Processing Pan American Legal
Information Center*

WHEREAS:

Computers have been successfully applied to law in several nations;

Technical means are available to improve and expedite the performance of justice for all; and economic and social progress are closely related to an effective legal system;

Acknowledging this fact, there is in the Hemisphere a common concern for the establishing of electronic legal information retrieval systems, as evidenced by past resolutions of this and other similar organizations.

RESOLVES

1. To request the Inter-American Bar Foundation to arrange funding for a series of studies for the creation of an automated Data Processing Pan American Legal Information Center.

(*)Com. XIII. held joint sessions with Com. III. Sec. B.

To enlist the support of the members of the Inter-American Bar Association especially in gaining the backing of their national Bar Associations and their governments for automating the various aspects of the legal process in their own countries as part of the proposed program to establish an Automated Data Processing (ADP) Pan American Legal Information Center.

**Res. 31*

Legal Research in Latin America

WHEREAS:

In some countries of Latin America the study, practice and development of the law have been hampered by the lack of adequate legal research tools such as legislative indexes, digests of court decisions and up-to-date classified compilations of laws in force;

With improved legal research systems, legislators could better deal with the problem of how to harmonize new statutes with prior law, and could appreciate more fully and correctly the different aspects of the legislation; judges could better apply the law in solving conflicts presented for their consideration; lawyers could better advise their clients and defend their rights in court, and

In Costa Rica and in other countries of Latin America, recent efforts to develop indexes of legislation and digests of court decisions have been very productive, resulting in the creation of new and effective legal research tools, which have been enthusiastically received by the practicing bar and bench and which will help greatly to alleviate the above mentioned problems,

RESOLVES

1. To promote and support wholeheartedly all new and existing projects for the development of legal research tools, and seek to coordinate the efforts of all those engaged in projects of this nature, in order to improve the level of the profession and to coordinate the methodology of legal research.

2. To promote and support the institutionalization of the entities that produce legal research tools, to the end that full, complete and rapid access to the wealth of knowledge contained in the statutes and court decisions may become a permanent reality of the legal system in all the countries of the Americas.

3. To endorse the project proposal entitled "To Find the Law in Latin America", which is directed to the eventual solution of the problems here considered.

COMMITTEE XIV. ACTIVITIES OF LAWYERS

Section A. Professional Standards of Conduct

**Res. 32*

Uniform Code of Professional Ethics and Standards

RESOLVES

1. To urge the member associations of the Inter-American Bar Association to send the Codes of Ethics of their respective countries to the Center for the Exchange of Professional Codes of Ethics created by Resolution No. 35 of the XVII Conference of this Association held in Quito.

2. That the Center, upon completion of the compilation of Codes of Professional Ethics, proceed to draft a Uniform Code of Ethics and Standards for professional practice, to be submitted for consideration by a future Conference of the Association.

3. To recommend that professional organizations of lawyers make an effort to obtain and maintain, exclusively, the right to judge infractions of standards of professional conduct, without prejudice to appeal to the competent judicial body.

Section B. Assistance and Social Security for Lawyers

**Res. 33*

Center for Receipt and Publication of Social Security Laws for Lawyers of America

WHEREAS:

The Center for the Receipt and Publication of the Social Security Laws for the lawyers of America operated by the "Caja de Previsión Social para Abogados de la Provincia de Buenos Aires", (Argentina) has continued its work and has presented for the consideration of this Conference the second edition of its publication, with the important collaboration of professors and experts from Argentina, Brazil, Costa Rica, Peru and Venezuela;

The first edition, presented at the XVII Conference held in Quito, received a vote of applause and congratulation for the Center and its President, and has been presented by the latter at the meeting of the Committees of Experts of the International Social Security Association (Asociación Internacional de Seguro Social) with headquarters in Geneva; and

That institution has considered the work of the Inter-American Bar Association on this subject to be important and has invited a correlation of activities through reciprocal collaboration and interchange.

RESOLVES

1. To give a vote of applause to the Center for the Receipt and Publication of the Social Security laws for the lawyers of America operated by the "Caja de Previsión Social para Abogados de la Provincia de Buenos Aires" (Argentina) through its President, Dr. Segismundo Cortés.

2. To confer upon said Center, in the person of its above named President, Dr. Segismundo Cortés, representation of the Inter-American Bar Association before the International Social Security Association for the purpose indicated, at the meeting of the Committee of Experts and at the Conference which the latter will hold in Abidjan (Ivory Coast, Africa) from October 26 to November 3, 1973.

COMMITTEE XV. NATURAL RESOURCES

Section A. Laws Concerning Agriculture

Res. 34Agrarian Law*

CONSIDERING:

The high importance of the conservation and improved use of renewable resources — land and water — for the well-being and development of all countries.

RECOMMENDS

That special attention be given to Agrarian Law, the objectives and content of which are established basically by the juridical relations derived from the use and enjoyment of said resources.

Res. 35Reforestation*

WHEREAS:

Reforestation is one of the activities of greatest interest today because of its intimate relationships with natural science (cultivation of chlorophyllic plants which act on the biosphere, thus maintaining conditions needed for human life), with agrarian economy (e.g., the policy of preservation of the ecology and the resulting increase in the production of lumber), and with tax incentives (the means of compensating the efforts of companies engaged in reforestation);

Vacillation in legislation in this area has proved to be inadvisable because of its deterrent effect upon investment, and

Brazilian legislation furnishes an example of a substantial decrease in the number of incentives referred to, considering the provisions of the

Forestry Code (Código Florestal, Law No. 4,771 of 15 September 1965) and subsequent legislation (Decree Law No. 1,106 of 16 June 1970 and Decree Law No. 1,179 of 6 July 1971),

RECOMMENDS

1. Maintaining the stability of laws which favor the policy of reforestation.
2. That legislation regarding reforestation be coordinated with legislation governing land use.
3. That the legislation be complemented by programs of civic education, at all levels, including the primary level.

Section C. Environmental Law

**Res. 36*

Noise Pollution

WHEREAS:

It is a legitimate function of the Judiciary to prevent pollution by summary measures, when its assistance is invoked;

Such measures should take into account both technical development and the quality of life in the community; and

Approval by a government authority of the conduct of a particular activity does not give rise to acquired rights, and it is therefore lawful to have recourse to the courts for relief for injuries caused thereby,

RECOMMENDS

1. That in matters concerning noise pollution great strictness be observed in combating excessive noise, at all times, and that persons injured thereby be assured full rights of defense and reparation of damages.
2. That adoption of measures to reduce noise pollution be recognized as falling within the competence of Federal, State and Municipal Governments.

COMMITTEE XVI. SPACE LAW

*Res. 37**Earth Resources Satellites*

RESOLVES

To support freedom of information for the benefit of all mankind from Earth Resources Satellites.

COMMITTEE XVII. MILITARY LAW

Res. 38Specialization in Military Law*

WHEREAS:

Various members of Committee XVII, Military Law, have presented information concerning recruitment, specialized training, use, and status of lawyers as professionals in the Armed Forces,

RECOMMENDS

1. That the proper selection and training of lawyers for incorporation into the respective Judge Advocate Groups of their respective Armed Forces be encouraged by the countries of the American continent.
2. That consideration be given to the addition where possible of elective courses in military law to the curricula of law schools.
3. That military institutional schools and service academies, consider providing instruction regarding the fundamental principles of military law; and that for the continuing legal education of lawyers serving in the Armed Services, regular programs and seminars be conducted in certain areas of specialization.

**Res. 39*

Rehabilitation of Military Prisoners

CONSIDERING:

The paper presented to Committee XVII on the subject of rehabilitation of military prisoners and the discussions on the matter,

RECOMMENDS

To the American states the establishment and use of military confinement facilities in which methods and procedures will be employed in an effort to rehabilitate military prisoners so that they may be equipped for return to duty in service or, alternatively, to civilian life as productive citizens.

COMMITTEE XVIII. HUMAN RIGHTS

**Res 40*

*Science and technology in
relation to human rights*

RESOLVES

To recommend to the governments of the American states and to the member Associations of the Inter-American Bar Association that they forward to the appropriate international organizations, and particularly to the Inter-American Commission on Human Rights (ICHR), information which they deem pertinent to the ways that advances in science and technology adversely affect human rights; and also their recommendation to the end that such continued progress shall not interfere with the enjoyment of fundamental human rights.

Res. 41The exhaustion of internal remedies
in the protection of human rights*

RESOLVES

1. To recommend to the National Member Associations of the Inter-American Bar Association that they study the problem of exhaustion of internal remedies in the protection of human rights and that they furnish to the next Conference reports regarding the contents of their respective laws on this matter.

2. To request the Secretary General to remit to the Inter-American Commission on Human Rights and to the National Committees already established, the necessary information forwarded pursuant to Paragraph 1.

3. To request the Inter-American Commission on Human Rights that as soon as their own report on this matter is concluded, wide publication of its contents and recommendations be made.

Res. 42Evaluation of factors in each country which delay
ratification of the Inter-American Convention on
Human Rights (Costa Rica, 1969)*

RESOLVES

1. To recommend to all member associations to make necessary investigations to ascertain and evaluate the factors that are delaying the ratification of the Inter-American Convention on Human Rights and make their findings available to the next Conference of the Association.

2. To recommend to all member Associations that, as soon as possible, they inform the Committee on Human Rights, through the Secretary General of the Inter-American Bar Association, of the present status of the ratification procedures of the Inter-American Convention on Human Rights in their respective countries.

3. To request the Secretary General of IABA to remit to the Inter-American Commission on Human Rights copies of the reports referred to in the preceding paragraphs 1 and 2.

*Res. 43**Seminar on Law and Population*

WHEREAS:

The United Nations International Conference on Human Rights in 1968 adopted the Proclamation of Teheran, which states that "parents have a basic human right to determine freely and responsibly the number and spacing of their children", and unanimously resolved that couples have "a right to adequate education and information in this respect";

The United Nations General Assembly, in its Declaration on Social Progress and Development, in 1969, called for "the provision to families of the knowledge and means necessary to enable them to exercise" the above right;

The United Nations has declared that 1974 shall be World Population Year, during which population matters of this kind should be examined by member governments, and the Secretary General has called on the various non-governmental and professional organizations concerned to support this effort;

Decisions on population policies to be pursued are the responsibilities of sovereign States, in the light of their special conditions, interests, religion, demographic densities, stage of economic, social and cultural development, and

The Human Rights Committee of the Inter-American Bar Association has organized a seminar to explore the legal aspects of this question, and has found a considerable degree of interest in the matter on the part of lawyers from many of the Western Hemisphere countries, but observes that the matter has not yet been adequately studied in each country.

RECOMMENDS

That members of the Association explore and review the laws of their respective countries as they affect the rights proclaimed by the United Nations, with a view to further consideration of this question at the XIX Conference of the Association and that the Committee on Human Rights consider the possibility of establishing a working group on this matter.

**Res. 44*

*Means to promote economic,
social and cultural rights*

RECOMMENDS

To the governments of the American states and to the member associations of Inter-American Bar Association that, using all the media of communication, they promote and publicize economic, social and cultural rights, including the means, resources and procedures established for the protection thereof.

**Res. 45*

*Creation of National Commissions
on Human Rights*

RESOLVES

1. That the Secretary General of the Inter-American Bar Association direct a letter to the Governor of the Virgin Islands expressing the support of this Association for the prompt approval of the creation of a National Commission on Human Rights in furtherance of Resolution No. 42 approved by the XVII Conference of this Association held in Quito in 1972.
2. To recommend to those countries which do not have them, the creation of National Commissions on Human Rights in their respective countries.
3. To encourage all members of the Inter-American Bar Association to accelerate in their respective countries the establishment of a non-governmental Commission on Human Rights.

**Res. 46*

*25th Anniversary of the American Declaration
on Human Rights*

RESOLVES

1. To express the support of this Association to the commemoration of the 25th Anniversary of the American Declaration on Human Rights

and that a letter conveying that support be sent to the Secretary General of the Organization of American States.

**Res. 47*

First Inter-American Seminar on Human Rights

RESOLVES

1. To express congratulations to the Civil Rights Commission of Puerto Rico for organizing the First Inter-American Seminar on Human Rights which will be held in 1974 and to which all members of the Inter-American Bar Association have been invited to attend.

COMMITTEE XIX. FOOD AND DRUG LAW

**Res. 48*

*Regulations to encourage
chemical-pharmaceutical research*

WHEREAS:

The pharmaceutical industry has performed and is performing a fundamental role in preventing and erradicating diseases in the American countries as well as in the rest of the world, and

This is the result of its efforts and great expenditures in the field of chemical-pharmaceutical research.

RECOMMENDS

1. That the American countries adopt regulations designed to encourage chemical-pharmaceutical research and the local manufacture of drugs.

2. That the American countries protect effectively the intellectual property rights of researchers who make their inventions and discoveries in the chemical-pharmaceutical field.

Res. 49Harmonization of food laws*

WHEREAS:

The trends of economic integration currently reflected in the Central American Common Market, the Latin American Free Trade Association (LAFTA), and more recently in the Andean Pact, require, among other things, that some degree of harmonization of the food laws of the member countries be achieved;

In this regard, several countries have already started revising their local laws along differing lines which tend to defeat the goal of harmonization, and

The "FAO/WHO Codex Alimentarius Commission" has already approved universal standards which, with necessary regional adjustments, can be used as the basis for an effective and more far reaching harmonization, thus broadening the possibilities for unified standards in the field of food law,

RECOMMENDS

That the pertinent standards heretofore approved and the studies carried out by the "FAO/WHO Codex Alimentarius Commission" be always taken into account when new regulations on foodstuffs are adopted.

*Res. 50**Support to the Special
Legal Committee of IANEC*

RECOMMENDS

1. That the member Associations of the Inter-American Bar Association use their good offices to encourage the governments of their respective countries to take steps, through the Inter-American Nuclear Energy Commission (IANEC), to provide further support for the Commission's Special Legal Committee.

2. That the Special Legal Committee of the Inter-American Nuclear Energy Commission promote permanently, with the resources available, the formation of nuclear law professionals of the member countries, by means of projects of common interest.

3. That the Special Legal Committee of the Inter-American Nuclear Energy Commission establish a detailed project of a special model curriculum, to intensify the teaching and dissemination of Nuclear Law in Latin America, at university level.

COMMITTEE XX. NUCLEAR LAW

Res. 51

Legislation on Peaceful Uses of Nuclear Energy

RECOMMENDS

1. That the member Associations of the Inter-American Bar Association use their good offices to encourage the governments of their respective countries, to the extent they have not already done so, to take the necessary steps to establish adequate national laws and regulations governing peaceful nuclear energy activities.

2. That said laws include, particularly, measures to protect the health and safety of workers and of the general public and a system of licensing the production, possession, importation, exportation, transport, storage, transfer and use of nuclear materials, equipment, and facilities, and a legal structure governing civil liability and financial protection for nuclear damage.

3. That, to the extent possible, such measures be harmonious among the countries.

*Res. 52**Publications on nuclear law*

RESOLVES

To request the Secretary General of the Inter-American Bar Association to send to the member Associations, for their information and appropriate use, the list of publications in the field of nuclear law which will be provided by Committee XX.