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## Foreword

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## FOREWORD

ERNEST G. LORENZEN

The Symposium on Latin-American law, sponsored by the University of Miami School of Law, marks another progressive step in the furthering of a better understanding of Inter-American legal relations. A recognition of the needs for greater solidarity among the nations of this continent has given rise during the last half century to many agencies which are functioning to advantage in the Inter-American System along economic, social and cultural lines. With a few exceptions, however, the record of accomplishment in promoting unification—or even understanding—of the various American legal systems has not been very impressive. Let us look at the record.

At the Pan-American Conference at Havana in 1928 agreement was reached upon the codification of private International Law (Code Bustamante) which has been adopted by a number of Latin-American States. The United States was represented at the conference but has been unable to adhere to any part of it. One of the principal reasons for this inability is the great difference between the Latin-American point of view regarding Conflict of Laws and that of the United States.

In the field of commercial arbitration the results have been good. Success has attended the work of the Inter-American Commercial Arbitration Commission established in 1934. This Commission has drafted standard arbitration rules and a standard arbitration clause for commercial contracts which are being administered successfully in the various Inter-American States by local arbitration tribunals.

At the Inter-American Technical Aviation Conference held in Lima in 1937 provision was made for the creation of a permanent American Aeronautical Commission to codify and unify international public and private air law in the Americas. Also, at the Eighth Conference of American States in Lima in 1938 a Permanent Committee of Jurists, with a seat at Lima, was created to study and prepare plans for unification of the Civil and Commercial Law of the Americas. So far as appears nothing tangible along the lines of codification or unification has resulted.

Certainly the recent war did delay progress in the field of the Unification of Law but the real difficulty lies much deeper. Before substantial progress toward the unification of the law of the Americas can be hoped for there must be a much greater understanding of each other's laws by the Bars of the American nations.

One of the most important agencies for the furthering of such understanding is the Inter-American Bar Association. At its first meeting in Havana in 1941 it recommended to the Cuban government the creation of an Inter-American Academy of Comparative and International Law which was thereafter established. This Academy offers courses on Inter-American law which are attended by students from the United States and Latin-American countries. This type of activity is a real contribution toward greater solidarity in the field of Inter-American Law.

What is being done in this country? So far as library facilities are concerned, they are adequate at several universities and at the Library of Congress. As yet, however, comparatively little research is being carried on in this field except at the University of Michigan. Courses on Latin-American Law have been given off-and-on at the Yale University School of Law and, since 1932, regularly at the New York University School of Law. In 1947 the Inter-American Law Institute was established at the New York University School of Law. This is the first attempt to give a regular course of instruction (leading to the degree of Master of Comparative Jurisprudence) on Inter-American legal institutions, from both the theoretical and practical points of view. A very good start has been made, and it is to be sincerely hoped that the funds will be forthcoming to establish this Institute upon a broader and permanent foundation. It is most desirable that similar work be undertaken at other leading law schools in this country. Tulane University has done excellent work for many years along Civil Law lines, including Latin-American Law. Miami has become a great center for commercial aviation for Central and South America and it is most fitting that the University of Miami School of Law should manifest an interest in furthering a better understanding of Latin-American Law.

The present Symposium is a fine beginning. May it continue its good work.

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This Symposium constitutes an attempt on the part of the *Miami Law Quarterly* to focus the attention of members of the North American legal profession on current legal and social problems in Latin America. It is in line with the announced policy of the School of Law—to place increased emphasis on Latin-American law in the curriculum. Other efforts in this direction will be made in future volumes of the *Quarterly*—by placing in each issue an article or comment pertaining to Latin America. It is hoped that this plan will result in an added service to members of the bench and bar, who are finding knowledge of Latin-American law and business to be of ever-increasing importance to the successful practice of their profession.

HUGH L. SOWARDS  
FACULTY ADVISER