Regional and International Activities

Isidoro Zanotti
REPORTS
REGIONAL AND INTERNATIONAL ACTIVITIES

ISIDORO ZANOTTI*

I. ORGANIZATION OF AMERICAN STATES
   A. Inter-American Juridical Committee 174
   B. Conference on the Celebration of the XXV Anniversary of the Alliance for Progress 175
   C. Inter-American Specialized Conference on Traffic in Narcotic Drugs 186
   D. Inter-American Court of Human Rights 190

II. UNITED NATIONS: VIENNA CONVENTION ON THE LAW OF TREATIES BETWEEN STATES AND INTERNATIONAL ORGANIZATIONS OR BETWEEN INTERNATIONAL ORGANIZATIONS 193

III. BILATERAL AGREEMENTS BETWEEN ARGENTINA AND THE PEOPLE'S REPUBLIC OF CHINA 197
   A. Cooperation in the Peaceful Uses of Nuclear Energy 197
   B. Agreement on Economic Cooperation 198
   C. Agreement on Scientific and Technical Cooperation 200

* General Rapporteur and member of the Council and of the Executive Committee, Inter-American Bar Association; one of the Coordinators of the Course on International Law organized by the Inter-American Juridical Committee; former Deputy Director of the Department of Legal Affairs of the General Secretariat of the Organization of American States, Washington, D.C.
I. Organization of American States

A. Inter-American Juridical Committee

The Inter-American Juridical Committee, the principal juridical organ of the Organization of American States (OAS), held its second meeting of 1986 during the month of August. The agenda for the meeting included the following topics:

- coercive economic measures;
- international judicial cooperation on criminal matters;
- interpretation and development of the principles of the Charter of the OAS and of the Protocol of amendment of the Charter, in order to strengthen relations among member states of the OAS;
- international juridical problems concerning multilateral guarantees for foreign private investment;
- environmental law;
- improvement of the administration of justice in the Americas.¹

During this meeting the Juridical Committee also held the XIII Course on International Law from August 4 to August 29, 1986.

The Inter-American Juridical Committee² approved a resolution at its meeting in January 1986, in which it recalled adopting a resolution, in August 1985, on the topic of improving the administration of justice. In the January 1986 resolution, the Juridical Committee reaffirmed its belief in the importance of the subject and that cooperation among public and private institutions in the American countries will establish important and lasting procedures of mutual benefit. The committee decided to pursue convoking a seminar which would bring together jurists to exchange informa-

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2. The Inter-American Juridical Committee is composed of eleven jurists from eleven member states of the OAS, elected by the OAS General Assembly from among candidates submitted by governments of the OAS member states. The terms of office of three members will expire December 31, 1986. At its next session scheduled to start November 10, 1986, the OAS General Assembly will elect or reelect three members of the Committee. The names of the eleven members of the Inter-American Juridical Committee will be included in the next report.
tion regarding measures aimed at improving the administration of justice.

In its resolution, the Juridical Committee also suggested that the agenda for this seminar would include:

a) presentations regarding the current situation in the American countries;

b) reports and studies of measures taken or under study in the American countries aimed at improving the administration of justice;

c) reports on existing initiatives for cooperation, particularly those that involve research institutes, bar associations, and university study groups;

d) reports on cooperation among these institutions;

e) discussions on measures that could be adopted to improve communication among those institutions and governmental and inter-governmental institutions, in order to establish a permanent methodology for the exchange of information and analysis, including a program of regular consultation regarding the improvement of the administration of justice.3

B. Conference on the Celebration of the XXV Anniversary of the Alliance for Progress

The Conference on the Celebration of the XXV Anniversary of the Alliance for Progress4 was organized by the Center for Advanced Studies of the Americas. The participating universities included: The American University, Catholic University, George Washington University and Georgetown University.

One important event during the celebration was a meeting at the Organization of American States—The House of the Americas. Ambassador João Clemente Baena Soares, the Secretary General of the OAS, delivered a speech in which he recalled that twenty-five years ago, John F. Kennedy launched the inter-American program to enhance relations with Latin American countries through economic and social development. Ambassador Baena Soares also recalled that “Uruguay was the setting where the Alliance for Progress came into being, where the Charter of Punta del Este was

4. The conference was held in Washington, D.C., on March 13-14, 1986.
adopted." The Ambassador remarked that "when this agreement took institutional form, it was the culmination of a series of efforts that the countries of the hemisphere had made since the proposal for Operation Pan America, the Act of Bogotá and the creation of the Inter-American Development Bank."\(^5\)

Ambassador Baena Soares went on to state that:

Undertaking the Alliance for Progress was the outcome of a realistic dream for channeling the energy and political will and determination of the Inter-American system. Imagination and boldness are the weapons that can be used to try to eliminate the despair brought on by years of slow progress and social misery. . . . The system of inter-American cooperation was the institutional framework wherein the Alliance for Progress unfolded and the development of the region was planned.

The Alliance for Progress gave new life to inter-American cooperation. It proved that the combined efforts of the countries of the hemisphere can be directed toward meaningful and ambitious ventures to improve the lot of Latin America and the Caribbean. It was also irrefutable testimony to the fact that the benefits can accrue to all the members of the system. The Alliance for Progress was a milestone in the process of inter-American cooperation, but it was unable to complete the job it cut out for itself. Development is still imperative in all the countries of Latin America and the Caribbean. The crises in the region are a clear reflection of the weakness of the economic structure . . . .

Now, two and a half decades from the time this vast inter-American enterprise was first launched, the region is still undergoing hard times. Development levels have fallen off considerably . . . . The economic crisis that the region is now undergoing has reduced its capacity for growth. It has caused the real levels of social improvement to fall off . . . . On the whole, the region is worse off than it was twenty-five years ago. The burden posed by domestic financial commitments, restrictions on nontraditional exports, decline and instability of prices for basic commodities and the loss of growth paint a dramatic picture. It is imperative that inter-American cooperative effort be sought to


\(^6\) The Inter-American Development Bank was created by the Organization of American States. In this report, information is provided on the creation of the IDB as a significant step in the development of the inter-American system.
undertake a process to put Latin America and the Caribbean firmly on the road to development and to take advantage of the opportunities that a world economic structure in transformation offers.

Ambassador Baena Soares stressed the continuing need and importance of inter-American cooperation:

The political will of the countries of the hemisphere should be mobilized to undertake a new sweeping endeavor to develop and modernize Latin America and the Caribbean. Becoming part of the new global economic structure will mean expanding and consolidating the existing technological structures, advocating innovation in various sectors, mounting solid and ever-increasing technological capabilities to enable the region not only to take the advantage of the technology now available, but also to have the command necessary to modify it and thereby shape its own destiny. The Alliance for Progress cannot be recreated, but we can build a new enterprise in inter-American cooperation even bolder than the Alliance.

During the Conference on the Celebration of the XXV Anniversary of the Alliance for Progress, reference was made to the establishment of the Inter-American Development Bank (IADB). It should be remembered that on February 5, 1985, a protocolary session was held by the Council of the Organization of American States at the OAS Building in Washington, D.C. in commemoration of the XXV Anniversary of the Inter-American Development Bank.

Important speeches were delivered at that protocolary session by Ambassador Franklin Baron, the former chairman of the OAS Permanent Council, by Ambassador João Clemente Baena Soares, the OAS Secretary General, and by Mr. Antonio Ortiz Mena, the President of the Inter-American Development Bank. Mr. Ortiz Mena noted that:

The celebration of this anniversary presents us also with an opportunity to remember and honor the men and women who, like Felipe Herrera, gave so generously their efforts, imagination and devotion to international public service, in translating into reality the commitment to mutual cooperation and support to the countries of our hemisphere. In recalling these events, I wish to render particular homage to the memory of the former Secretary General of the OAS, Dr. José Antonio Mora, who clearly foresaw the creative nature of the mandate entrusted to the
Bank when he addressed the first meeting of our Board of Governors, convened in El Salvador in February, 1960, saying that: "Inter-American cooperation in the field of economics has now become a solemn commitment on the part of the Organization of American States and comprises vast areas which are only beginning to be explored."

The Inter-American Development Bank was created by the Organization of American States. The creation of the IADB in 1959 was due, in part, to the outstanding contributions by José A. Mora, former Secretary General of the OAS, and Rafael Glower Valdivieso, who was the chairman of the Inter-American Economic and Social Council, as well as to the excellent work accomplished by the Specialized Committee which negotiated and drafted the Agreement establishing the IADB, and to the staff at the OAS General Secretariat for its collaboration with that committee.

The economic, social and juridical progress, and improvement of cooperative relations in the inter-American context have been accomplished by organizations such as the OAS, and deserve to be remembered as examples of constructive achievements under efficient leadership. They should not be left to the haze or mist of history. It should also be noted that the presidents of the IADB, Felipe Herrera and his successor, Antonio Ortiz Mena, contributed a great deal to strengthening, expanding, and building the prestige of the IADB. Today, the Inter-American Development Bank is one of the most important international financial institutions of the world.

Throughout the history of the Inter-American System, many significant contributions were made for the progress of institutions and the improvement of international relations; one such contribution is discussed below.

**Summary of the Origins of the Inter-American Development Bank. Work Accomplished by the Specialized Committee for Negotiating and Drafting the Instrument of Organization of an Inter-American Financial Institution**

The Specialized Committee for Negotiating and Drafting the

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Instrument of Organization of an Inter-American Financial Institution was convoked by the Inter-American Economic and Social Council (CIES) by Resolution 30/58 of October 9, 1958. On December 18, 1958, the Council of the OAS approved a resolution endorsing the establishment of an inter-American financial institution, according to a proposal made by a Special Committee to Study the Formulation of New Measures for Economic Cooperation.

The Specialized Committee began its work at the Pan American Union in Washington, D.C., on January 8, 1959, and finished on April 8, 1959. The representatives of the OAS member states were highly qualified and dedicated workers, who carefully studied all the documents, papers, and proposals and examined the different aspects and problems concerning the creation of an international financial institution.

Secretary General of the OAS, José A. Mora, gave his full support to the Specialized Committee, assigning to it a well qualified, select, and dedicated staff of the General Secretariat. The Delegates and the technical staff, interpreters, translators, and secretaries worked harmoniously with a great sense of cooperation and dedication. It was an extraordinary example of “esprit de corps.”

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8. The CIES is an organ of the OAS.
10. The members of the staff of the OAS General Secretariat, assigned to the Specialized Committee were, among others: Cecilio Morales, Director of the Department of Economic and Social Affairs, who acted as Secretary General of the Specialized Committee; Pedro Iraneta, Chief of the Division of Economic Research, Assistant Secretary General and Adviser of the Specialized Committee; Jorge Sol Castellanos and Raymond Mikesell, Consultants; Armando Cassorla, the Secretary of the Specialized Committee and of Subcommittee 2; Oscar Ayala, Secretary of Subcommittee 1; Isidoro Zanotti, Legal Adviser of Subcommittee 2 and of the Style Subcommittee; Fernando Hazera, Chief of the Division of Official Records: Daniel Villegas, Assistant Secretary of the Committee. Assigned to the Committee were also interpreters, translators, secretaries and other staff members of the General Secretariat. See Id. at 7.
11. The representatives of the member states included among the 78 accredited to the Committee: Mario Mendivil (Argentina), Chairman of the Specialized Committee; Jorge Rovira (Bolivia); Cleantho de Paiva Leite, Italo Zappa, Dario Castro Alves (Brazil); Felipe Herrera (Chile), Chairman of Subcommittee 2; Ignacio Copete (Colombia), Chairman of Subcommittee 1; Rafael Gower Valdivieso and Roberto Quiros (El Salvador); Rafael Gower Valdivieso was the Chairman of the Inter-American Economic and Social Council and Vice-Chairman of the Specialized Committee; Jose Chiriboga (Ecuador); Lucien Hibbert (Haiti); Roberto Ramirez (Honduras); Arturo P. Galliano (Guatemala); Guillerma Sevilla Sacasa (Nicaragua); Armando Amador (Mexico); Julio Huertematte (Panama); Juan Plate (Paraguay); Carlos Gibson (Peru); Virgilio Diaz Ordonez (Dominican Republic); Graydon Upton, Elting Arnold (United States); Julio Lacarte (Uruguay); Carlos Calderin (Venezuela). Cuba was represented, but did not sign the agreement establishing the IDB.
The Specialized Committee held preliminary meetings on January 8-9, 1959. Secretary General José A. Mora made the following remarks in greeting the representatives of the twenty-one OAS member states during the inaugural session of the Specialized Committee on January 12, 1959:

The announcement of the principles of Operation Pan America, an inspiration of the President of Brazil (Juscelino Kubitschek), [and the unanimous support] of those principles by the governments of the Americas to carry forward this noble beginning, open new horizons for the future of relations between the nations of our Hemisphere. There could be no more auspicious beginning for the new year than this tremendously responsible task, one that has great promise for the progress of our peoples. As the Council of the OAS stated in its decision of December 18, endorsing the creation of a permanent inter-American financial institution, it is necessary to put forth new, efficient, and concrete measures capable of encouraging economic development in the Hemisphere and improving the standard of living of the American peoples, in accordance with the purposes set forth in the Charter of Bogotá and with the wishes that the Ministers of Foreign Affairs expressly reiterated in their informal meeting on September 24, 1958.

The OAS Secretary General recalled that:

The idea of creating an institution designed to facilitate the financing of economic development has long been a goal, repeatedly attempted throughout the history of our regional community. The General Secretariat of the OAS has, on several occasions, had an opportunity to collaborate in the necessary efforts and work relating to various proposals or plans to achieve such a goal. There have been a number of studies on this topic and on the financing of economic development in general made by the technical departments of the Secretariat.

Resolution XVIII of the Economic Conference of the OAS held in Buenos Aires in 1957, requested that the Inter-American Economic and Social Council and the Secretariat continue the studies previously made, and recommended the convocation of a specialized committee of government representatives to consider the matter. The General Secretariat, aware of the significance of the problem of financing has for the American countries, has not spared efforts to prepare the best possible study of the problem.

In compliance with Resolution XVIII of the Economic Conference of Buenos Aires and with the instructions given by the
Inter-American Economic and Social Council, the General Secretariat prepared the study "Financing of Economic Development in Latin America," which was distributed to the governments of the member states. This same study is presented as a basic working document to the meeting inaugurated today. May I point out that in the final chapter of the document, the General Secretariat has included several suggestions on the nature and possible functions of a regional financing institution.

Rafael Glower Valdivieso, as Chairman of the Inter-American Economic and Social Council, extended a cordial welcome to the delegates, stating that, "The Latin American countries have agreed for many years, as to the need of establishing a regional agency for the financing of economic development, and its creating has never seemed so imperative as it does now."

He recalled that, the hopes for the establishment of the institution were given powerful and decisive encouragement when, on August 12, 1958, the honorable C. Douglas Dillon, Under-Secretary of State for Economic Affairs, announced to the Inter-American Economic and Social Council that the Government of the United States was ready to consider the establishment of an inter-American institution for regional development that had the support of all the member countries of the OAS.

He also stressed that:

We have no doubt that this Committee, which has been convoked by the Inter-American Economic and Social Council with concrete instructions to negotiate and draft the instrument of organization of an inter-American financial institution, will fulfill its duties by preparing and approving a definitive instrument, which should be put in operation as soon as possible.

Seldom in the history of the Hemisphere has so much been expected from an agency like that which all are called upon to create. I am sure that for the task as arduous and important as that with which we are faced, devotion and faith will not be wanting, and in a short time the Hemisphere will rejoice at the complete fulfillment of our task.

After three months of dedicated work by the representa-
tives of the twenty-one OAS member states and of the staff of the General Secretariat, the Specialized Committee completed its important and historic accomplishment on April 8, 1959. The Specialized Committed negotiated and drafted the Agreement Establishing the Inter-American Development Bank (IADB), and set up a Preparatory Committee of the IADB, which was charged with performing preparatory functions until the first meeting of the Board of Governors of the Bank.

The original text of the agreement establishing the IDB, in the English, Spanish, Portuguese, and French languages was deposited, as it is today, in the OAS General Secretariat. The Secretariat has several functions related to the agreement, such as to receive signatures and to deposit instruments of acceptance or ratification of the agreement.

The agreement came into force on December 30, 1959. According to the agreement, the OAS Secretary General convoked the first meeting of the Board of Governors of the Bank in El Salvador in February, 1960.

Felipe Herrera was elected the first president of the IADB; his outstanding achievements as president of the bank are well known. The accomplishments of his successor, Antonio Ortiz Mena, are also widely recognized.

The Closing Session of the Specialized Committee, April 8, 1959

It is important to recall, for its historical significance, some of the objectives and ideas expressed during the closing session of the Specialized Committee which negotiated and drafted the agreement establishing the IADB.

On that historic occasion, significant statements were made by Graydon Upton, Assistant Secretary of the Treasury and U.S. member of the Specialized Committee; by Felipe Herrera, Chairman of the Subcommittee Two; by Mario Mendivil, Chairman of the Specialized Committee; by Rafael Glower Valdivieso, Chairman of the Inter-American Economic and Social Council; and by José A. Mora, the OAS Secretary General.

Graydon Upton read a statement by the President of the United States, Dwight D. Eisenhower:

The proposal for an Inter-American Development Bank has taken concrete form as a result of the negotiations which have just been concluded in Washington. Such an inter-American financial institution has been an inspiration and hope of Latin
American countries for decades.

I believe that the proposed Inter-American Development Bank, when approved by the members of the Organization of American States through their regular legislative processes, will make a significant contribution to the continuing economic progress of the American Republics and stand as an enduring testimonial to the spirit of cooperation among these nations. I congratulate the representatives of the nations concerned for their work in advancing the proposed bank to the point marked by today's event.¹⁴

He also read a statement from Robert Anderson, the U.S. Secretary of the Treasury, who said:

I am confident that the proposed bank will become a major instrument of economic cooperation among the American Republics.

As a result of the negotiations during the past three months in Washington, the ideas discussed at the meeting of Ministers of Finance or Economy in Buenos Aires in August 1957 have now been given a definite and concrete form. The instrument which has been drafted will provide the basis for the institution to carry out its operations in an effective and responsible manner, with active participation of the Latin American countries in all its activities.

Graydon Upton noted that, "One of the distinguished delegates reminded us the other day of the proverb that a journey of a thousand miles begins with a single step."

He also stated that:

It has been said that there is nothing more powerful than an idea whose hour has arrived. The hour for the idea of an Inter-American Development Bank has now arrived. Its arrival has been hastened by unremitting hard work and the real sense of give and take which has characterized this meeting. It has been hastened by the fine feeling of inter-American cooperation which has been displayed by every delegate to this Specialized Committee. To those of you who have not participated in our work for thirteen busy weeks, these words may sound like the usual formalities of a closing ceremony. But those who have shared the close analysis of every phrase and every paragraph,

the long hours of discussion with which we clarified our objectives, the search for a satisfactory capital structure, you will know that I speak sincerely.

Graydon Upton concluded by praising and thanking several representatives of the member states, and by emphasizing that:

The sincere thanks of the Committee are also due, and overdue, to the Organization of American States, and to its Secretary General, Dr. Mora . . . . We would not be here today celebrating the completion of our work were it not for the devoted and intelligent support which the Secretariat of the Organization of American States has provided us through long and grueling hours of drafting, translation, duplication of documents, and other services.

The Chairman of Sub-Committee Two, Felipe Herrera, analyzed in detail the functions and activities which could be developed by the Inter-American Development Bank. In his speech, Felipe Herrera stated:

I would like to express our gratitude to the Organization of American States and to its distinguished Secretary General, Dr. José A. Mora, for his inspiring sponsorship of these efforts . . . .

It is evident that we, in the Americas, are living at a time of new conceptions. They are the result of the present state of the world, of the technological progress being made, of the extraordinary growth in population, of the pressures for economic development.

Present events show that this continent has leaders with vision for the future. First let us mention the revising of the inter-American conception to give it economic significance. This aspiration which was postponed for many years, has found its best expression in Operation Pan America which has resulted in the appointment of the committee of twenty-one to find feasible alternatives to underdevelopment, which, as expressed by President Kubitschek (Brazil), is equivalent to "the enemy within our gates." The Inter-American Development Bank has been, is and will be a cooperative effort of the Inter-American System.

Felipe Herrera also expressed "special and public testimony of our appreciation of the competence, understanding and spirit of cooperation shown by the United States delegation . . . . This attitude reflects the profound interest of the United States Government in the quick realization of the aspiration for an Inter-Ame-
The chairman of the Specialized Committee, Mario Mendivil, explained in his address the outstanding provisions of the agreement establishing the Inter-American Development Bank. He stated that the agreement was,

The expression of three months of constructive efforts by delegates of unquestionable technical competence, whom the American governments assigned to this task . . . . But it is also the happy result of a long evolutionary process, of an idea conceived by the organizations that called us together and that put at our disposal all their technical and administrative resources: The Organization of American States and the Inter-American Economic and Social Council, to whose Secretary General, Dr. Mora, and Chairman, Mr. Glower Valdivieso, I hereby express on behalf of the delegates, our sincerest gratitude.16

The chairman of the Inter-American Economic and Social Council (CIES), Rafael Glower Valdivieso, stated in his remarks:

We are certain that the Inter-American Development Bank will fulfill a truly important function in a moment of special significance to the economic evolution of the Hemisphere and we are also confident that the scope and effect of this action will surpass our most optimistic expectations.

This new institution is a most eloquent testimony to the cooperation, the solidarity, and the responsibility of the countries of the inter-American system: It is not the work of one of those countries nor of a group of them, but all of them, each contributing as it is able. As such, it will also be an instrument for uniting and solidifying the Hemisphere in the common effort to promote the progress of our countries and which from now on will become a part of common heritage of the people of the Americas.

On behalf of CIES, Mr. Valdivieso expressed, "the highest recognition for the work, under the skillful and dedicated direction of Mario O. Mendivil, that has been done for the benefit of our peoples."17

The OAS Secretary General, José A. Mora, observed that:

The task that has brought forth the Agreement Establishing the Inter-American Development Bank, is of historic importance to the Organization of American States. The instrument is, perhaps, the most forceful reminder to the public throughout the Hemisphere that the Pan American movement has acquired new characteristics in the second half of the Twentieth Century. . . . It is significant that the institution is the result of joint efforts by the Latin American countries and the United States.

In concluding, Dr. Mora noted that:

Our satisfaction, as participants in this stage of the proceedings that have brought forth the new institution, will be even deeper when we witness the constant increase of its operations and when, as we anticipate, it becomes one of the pillars of this great structure of hemispheric solidarity—the Organization of American States and its specialized agencies.

The Agreement Establishing the Inter-American Development Bank has been amended on some occasions. The amendments dealt with such things as the creation of inter-regional capital, with loans to the Caribbean Development Bank, and with membership in the IDB. Furthermore, by resolutions adopted on different dates, the Board of Governors of the Bank increased the authorized ordinary capital stock, the inter-regional stock of the Bank, and the resources of the Fund for Special Operations. It should also be noted that under the sponsorship of the IDB, the Inter-American Investment Corporation was established in November, 1983.

At present, the Inter-American Development Bank has twenty-five members which are members of the Organization of American States. Canada and Guyana also members of the Bank. In addition, the Bank has seventeen other member countries (including some European countries, Israel, and Japan). Membership presently consists of forty-four countries.

C. Inter-American Specialized Conference on Traffic in Narcotic Drugs

The Inter-American Specialized Conference on Traffic in Narcotic Drugs was held in Rio de Janeiro, April 22-26, 1986. It was convoked by the OAS General Assembly.

The Conference approved, by unanimous vote, the Inter-American Program of Action against the Illicit Use and Production of Narcotic Drugs and Psychotropic Substances and Traffic therein.\textsuperscript{20}

The Program of Action is based on several principles, including:

1) The principal goal of socio-economic development is to improve standards of living and quality of life. This main purpose is also served by policies adopted to reduce the demand for drugs, prevent drug abuse, and combat unlawful trafficking in drugs;

2) socio-economic development cannot flourish in an environment lacking in conditions conducive to personal dignity, democracy, and state security;

3) the prevention of drug abuse and the campaign against trafficking in drugs are interrelated with socio-economic development, and each can influence the other;

4) policies to reduce the demand for drugs, prevent drug abuse, and combat unlawful trafficking in drugs must be included in the socio-economic development policies of the member states;

5) recommendations made under the Program of Action should take into account the need of respect for the sovereignty of nations in determining their policies to reduce the demand for drugs, prevent drug abuse, and combat drug trafficking;

6) drug trafficking constitutes a global phenomenon that can threaten both the sovereignty of states and the integrity and identity of peoples; and

7) international cooperation, whether bilateral or multilateral, is becoming increasingly vital to the effectiveness of efforts to reduce the demand for drugs, prevent drug abuse, and combat unlawful trafficking in drugs.

According to these principles, "[T]he main objectives of the Program are to increase and strengthen the capacity of the member states to reduce the demand for drugs, prevent drug abuse, and effectively combat unlawful production of and trafficking in drugs."

In the Program of Action, the conference recommended to the OAS member states the adoption of several actions to prevent the
improper demand for and abuse of narcotic drugs and psychotropic substances. These recommendations include:

1) Assigning top priority to measures to reduce the improper demand for and abuse of narcotic drugs and psychotropic substances;

2) carrying out relevant studies to identify the causes and prevalence of drug abuse in the various ages and brackets and social strata of the national populations, taking into account the regional peculiarities of each country;

3) promoting studies to increase the knowledge of the most appropriate ways of making society aware of the causes and effects of drug abuse;

4) promoting programs for the treatment and rehabilitation of drug addicts;

5) promoting primary prevention campaigns through education, social welfare, and health departments and other relevant agencies;

6) establishing mechanisms in the appropriate governmental agencies for supervising and controlling the production, marketing, and use of legal drugs within the context of the national policies; and

7) promoting studies on the harmful effects of the use of inhalating drugs and on mechanisms for controlling their sales.

Furthermore, the conference recommended to the OAS member states certain actions to combat the unlawful production and supplying of narcotic drugs and psychotropic substances. These actions are, among others:

1) Developing and expanding mechanisms for an exchange of information on the structures of illegal marketing and other aspects of unlawful trafficking in drugs;

2) studying and possibly approving legislation designed to strengthen the ability of appropriate agencies to investigate and prosecute unlawful drug trafficking, to forfeit assets derived from or used to facilitate drug trafficking, and to treat as a punishable offense the acquisition, possession, use, or so-called laundering of assets that are known to be directly or indirectly the proceeds of unlawful drug trafficking;

3) establishing rigid controls for the manufacture, importation, exportation, transport, and marketing of the solvents, and chemi-
cal products essential to the preparation of narcotic drugs and psychotropic substances;

4) establishing mechanisms for judicial, police and customs cooperation among OAS member states to obtain more effective action in this field;

5) eradicating illegal crops, as defined by each state, from which narcotic drugs may be extracted; and

6) researching in order to develop biological methods for the eradication of illegal drugs.

In addition, the conference recommended to the OAS member states the adoption of some general measures to combat illicit use, production, and trafficking of narcotic drugs and psychotropic substances. The recommendations include:

1) establishment of central agencies at the national level charged with formulating the respective national policies, plans, and programs regarding narcotic drugs, and with exercising general coordination, supervision, control and monitoring of activities related to drug abuse; and

2) establishment of a national fund for the prevention of drug abuse, and for the campaign against drug trafficking.

The conference recommended to the OAS General Assembly that it establish an Inter-American Drug Control Commission, composed of representatives of the OAS member states. The Commission would be responsible for developing, coordinating, and monitoring the measures prescribed in the Program of Action, and for submitting proposals to increase the prevention of drug abuse and to escalate the campaign against trafficking in narcotic drugs and psychotropic substances in the region.

In addition, the conference recommended that the Inter-American Juridical Committee conduct legal research to help member states to explore the advisability of adopting specific bilateral or multilateral instruments on particular aspects of drug abuse and unlawful trafficking in drugs, including mechanisms for extradition and for cooperation among judicial, police, and customs authorities of the member states, leading to more effective action against all drug traffickers. The legal research recommended by the conference would have the additional objectives of (1) seeking to harmonize national laws on drug trafficking; (2) coordinating at the national level the judicial, police, and customs procedures with respect to unlawful trafficking; and (3) promoting regional coopera-
tion in judicial, police, and customs areas.

The Conference made several other recommendations to the OAS General Secretariat, including:

1) Establishing a data bank on drug abuse and unlawful trafficking in drugs;

2) setting up inter-American training centers for basic and professional training in the areas of education, treatment and rehabilitation, and police action and control, in order to prevent drug abuse and combat unlawful trafficking in the OAS member states;

3) establishing a documentation center on drugs for promoting coordination of inter-American efforts in this matter; and

4) conducting studies for the preparation of the draft Statute and Regulations of the proposed Inter-American Drug Control Commission, which should be presented to the OAS Permanent Council for study and possible transmittal to the OAS General Assembly. The conference also recommended that the inter-American specialized organizations cooperate in the implementation of the Program of Action.

D. Inter-American Court of Human Rights Advisory Opinion on the Meaning of the Word "Laws" in Article 30 of the American Convention on Human Rights

The Advisory Opinion on the meaning of the word "laws" in article 30 of the American Convention on Human Rights was requested by the Government of Uruguay and was adopted on May 9, 1986. The text of the opinion is contained in twelve pages divided into thirty-eight paragraphs. According to paragraph nine of the opinion, the request for an advisory opinion was "submitted to the Court by Uruguay, a state party to the American Convention and member of the OAS." Pursuant to article 64.1 of the convention, "The member states of the Organization may consult the Court regarding the interpretation of this Convention or of other treaties concerning the protection of human rights in the American states." The Government of Uruguay's request involves interpretation of article 30 of the convention and is, therefore, covered by the provision of article 64. It is stated in paragraph eleven that

21. The text of the opinion was forwarded by the Secretary of the Court to the Chairman of the OAS Permanent Council and was published as O.A.S. Doc. CP/INF.2414/86 (June 12, 1986).
"this is a consultation seeking the interpretation of a rule of special interest on the application of possible restrictions on the enjoyment and exercise of rights and liberties recognized by the Convention, and for all of these reasons, it is admissible in the terms of the Convention and of the Rules of Procedure" of the Court.

Article 30 of the convention provides:

The restrictions that, pursuant to this Convention, may be placed on the enjoyment or exercise of the rights or freedoms recognized herein may not be applied except in accordance with laws enacted for reasons of general interest and in accordance with the purpose for which such restrictions have been established.

In paragraph sixteen of the opinion, the Court states that:

The question is limited to asking the meaning of the word "laws" in article 30 of the Convention. It is not a matter, therefore, of giving a reply applicable to all cases in which the Convention uses expressions like "laws," "legislative provisions," "legal provisions," "legislative measures," "legal restrictions," or "domestic laws." On each occasion that such expressions are used, their meaning must be specifically determined.

In paragraph twenty-two it is noted that:

The protection of human rights requires that government acts that fundamentally affect them are not left to the discretion of the government, but are surrounded by a set of guarantees designed to ensure that the inviolable attributes of the person are not impaired. Perhaps the most important of those guarantees are the constraints established by a law passed by the legislature, as established by the Constitution.

In paragraph twenty-seven, the Court stated:

The word "laws," in the framework of protection of human rights, would have no meaning if along with it there were no allusions to the idea that a mere decision by the government is not enough to restrict such rights. Otherwise, there would be recognition of a virtually absolute power of governments over the governed. On the other hand, the word "laws" covers all of its logical and historical meaning if it is regarded as a requirement of the necessary limitation on the government's interference in the sphere of the rights and liberties of human beings. The Court concludes that the word "laws" used in article 30 can
have no other meaning than that of formal law, that is, a legal rule (norma juridica) enacted by a legislative body and promulgated by the Executive Branch, according to procedures required by the domestic law of each state.

After several other considerations, the opinion of the Court, in paragraph thirty-five declared:

Consequently, the laws referred to in article 30 are nominative acts designed for the general welfare, issued by the democratically elected legislature and promulgated by the executive branch. This meaning fully corresponds to the general context of the Convention within the philosophy of the inter-American system. Only formal law understood as has been done by the Court, is able to restrict the enjoyment of exercise of the rights recognized by the Convention.

In paragraph thirty-six, the opinion observes that:

The above does not necessarily negate the possibility of delegation of authority by legislatures in this area, provided that such delegation is authorized by the Constitution, that it is exercised within the limitations imposed by the Constitution and by the delegating law, and that the exercise of the power delegated is subject to effective controls, so that it does not impair nor can it be used to impair fundamental character of the rights and liberties protected by the Constitution.

Finally, in paragraph thirty-eight, the Court states:

Therefore, in reply to the question from the Uruguayan Government on the interpretation of the word “laws” in article 30 of the Convention, the Court is of the opinion, unanimously: That the word “laws” in article 30 of the Convention means a general legal rule (norma juridica) that is designed for the general welfare, is issued by constitutionally provided for and democratically elected legislative bodies, and is drawn up according to the procedure established by the Constitutions of the states parties for the formation of laws.

The opinion is signed by the president, by the other six members of the Court, and by the secretary of the Court.
II. United Nations: Vienna Convention on the Law of Treaties Between States and International Organizations or Between International Organizations

This convention was adopted by the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations, held in Vienna, Austria, from February 18 to March 21, 1986.\(^2\)

It is stated in the preamble that the parties to the convention considered the fundamental role of treaties in the history of international relations, recognized the consensual nature of treaties and their ever increasing importance as a source of international law, and noted that the principles of free consent, of good faith, and the *pacta sunt servanda* rule are universally recognized. It further stated in the preamble that the parties believed that the codification and progressive development of the rules relating to treaties between states and international organizations or between international organizations are a means of enhancing legal order in international relations and of serving the purposes of the United Nations. The parties bore in mind the provisions of the Vienna Convention on the Law of Treaties of 1969. They also noted that international organizations possess the capacity to conclude treaties, which is necessary for the exercise of their functions and the fulfillment of their purposes.

Article 1 provides that the convention applies to: (a) treaties between one or more States and one or more international organizations, and (b) treaties between international organizations. Article 2 establishes some definitions for the purpose of the convention. For example, "treaty" means an international agreement governed by international law and concluded in written form (a) between one or more states and one or more international organizations, and (b) between international organizations, whether that

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\(^2\) United Nations General Assembly. U.N. Doc. A/Conf.129/15 (March 20, 1986). United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations, held in Vienna (Feb. 18-March 21, 1986). This Convention contains eighty-six articles. The titles of the parts and sections of the Convention are as follows: I. Introduction; II. Conclusion and entry into force of treaties; reservations; entry into force and provisional application of treaties; III. Observance, application and interpretation of treaties; IV. Amendment and modification of treaties; V. Invalidity, termination and suspension of operation of treaties; VI. Miscellaneous provisions; VII. Depositaries, notifications, corrections and registration; VIII. Final provisions; and Annex to the Convention: Arbitration and Conciliation procedures established in application of Article 66.
agreement is embodied in a single instrument or in two or more related instruments and whatever its particular designation.  

According to article 5, the convention applies to any treaty between one or more States and one or more international organizations which is the constituent instrument of an international organization, and to any treaty adopted within an international organization, without prejudice to any relevant rules of the organization.

The capacity of an international organization to conclude treaties, as provided in article 6, is governed by the rules of that organization. Article 7 contains rules concerning the full powers of the person representing a State or a person representing an international organization.

The adoption of the text of a treaty, according to article 9, takes place by the consent of all the states and international organizations or, as the case may be, by all the organizations participating in drawing up the treaty. However, the adoption of the text of a treaty at an international conference takes place in accordance with the procedure agreed upon by the participants in that conference. If no agreement is reached on any such procedure, the adoption of the text shall take place by the vote of two-thirds of the participants present and voting, unless by the same majority they should decide to apply a different rule.

Articles 19 to 23 contain rules on reservations.

According to article 24, a treaty enters into force in such manner and upon such date as it may provide or as the negotiating states and negotiating organizations, or the negotiating organizations may agree. Failing any such provision or agreement, a treaty enters into force as soon as consent to be bound by the treaty has been established for all the negotiating states and negotiating organizations, or for all the negotiating organizations. When the consent of a state or of an international organization to be bound by a treaty is established on a date after the treaty has come into force, the treaty enters into force for that State or that organization on that date, unless the treaty otherwise provides.

23. Article 2 also contains definitions of other terms, such as "ratification," "act of formal confirmation," "acceptance," "approval" and "accession," "full powers," "reservation," "negotiating State" and "negotiating organization," "contracting State," "contracting organization," "party," "third State," "international organization," and "rules of the organization."
According to article 26, every treaty in force is binding upon the parties to it and must be performed by them in good faith (*pacta sunt servanda*).

A state party to a treaty, as provided in article 27, may not invoke the provisions of its internal law as justification for its failure to perform the treaty. Similarly, an international organization, which is party to a treaty, may not invoke the rules of the organization as justification for its failure to perform the treaty.

According to article 42, the validity of a treaty or of the consent of a state or an international organization to be bound by a treaty may be impeached only through the application of the present convention. The termination of a treaty, its denunciation or the withdrawal of a party, may take place only as a result of the application of the provisions of the treaty or of the present convention. The same rule applies to suspension of the operation of a treaty. Article 43 provides that the invalidity, termination or denunciation of a treaty, the withdrawal of a party from it, or the suspension of its operation, as a result of the application of the present convention or of the provisions of the treaty, shall not in any way impair the duty of any state or of any international organization to fulfill any obligation embodied in the treaty to which that state or that organization would be subject under international law independently of the treaty.

Among the provisions of this convention concerning the invalidity of treaties, article 46 provides that a state may not invoke the invalidity its consent to be bound by a treaty by claiming that such consent was expressed in violation of a provision of its internal law regarding competence to conclude treaties, unless that violation was manifest and concerned an internal law of fundamental importance. Similarly, article 46 provides that an international organization may not invoke the invalidity of its consent to be bound by a treaty by claiming that its consent was expressed in violation of the rules of the organization regarding competence to conclude treaties, unless that violation was manifest and concerned a rule of fundamental importance.

As provided in article 50, a state or international organization, whose expressed consent to be bound by a treaty has been procured through the corruption of its representative directly or indirectly by a negotiating state or a negotiating organization, may invoke such corruption as invalidating its consent to be bound by the treaty. Articles 51 and 52 contain rules concerning coercion of a
representative of a state or of an international organization, or coercion by the threat or use of force. In these instances, the treaty shall be without any legal effect.

A rule on *jus cogens* is contained in article 53, according to which a treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purpose of the convention, "a peremptory norm of general international law is a norm accepted and recognized by the international community of states as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character."

Articles 65 to 68 provide for (1) procedures to be followed with respect to invalidity, termination, withdrawal from or suspension of the operation of a treaty; (2) procedures for judicial settlement, arbitration and conciliation; and (3) instruments for declaring invalid, terminating, withdrawing from or suspending the operation of a treaty, and revocation of notifications.

Article 73 stipulates that the Vienna Convention on the Law of Treaties of 1969 shall govern the relations of those states, which are parties to the convention, under a treaty between two or more states and one or more international organizations.

In accordance with article 82, the convention shall be open for signature until December 31, 1986 at the Federal Ministry for Foreign Affairs of the Republic of Austria and, subsequently, until June 30, 1987, at the UN Headquarters, New York, by (a) all states; (b) Namibia, represented by the UN Council for Namibia; and (c) international organizations invited to participate in the UN Conference on the Law of Treaties between States and International Organizations or between International Organizations.

Article 84 provides that the convention shall remain open for accession by any state, by Namibia, and by any international organization which has the capacity to conclude treaties. An instrument of accession of an international organization shall contain a declaration that it has the capacity to conclude treaties.

The convention, according to article 85, shall enter into force on the thirtieth day following the date of deposit of the thirty-fifth instrument of ratification or accession by states or by Namibia. For each international organization depositing an instrument relating to an act of formal confirmation or an instrument of accession, the convention shall enter into force on the thirtieth day after such
deposit, or at the date the convention enters into force following
the date of deposit of the thirty-fifth instrument of ratification or
accession, whichever is later.

III. Bilateral Agreements Between Argentina and the People's Republic of China

A. Cooperation in the Peaceful Uses of Nuclear Energy

The contracting parties, according to article I of the agree-
ment, shall encourage and promote cooperation in the develop-
ment and peaceful uses of nuclear energy, on the basis of mutual
respect for sovereignty, non-interference in each other's internal
affairs, equality and mutual benefit and in accordance with the
needs and priorities of their national nuclear development pro-
grams. As provided in article II, and subject to the agreement, the
areas of cooperation between the two countries may include:

1) fundamental and applied research with respect to the
peaceful uses of nuclear energy;
2) research, design, construction and operation of nuclear
power plants and reactors;
3) exploration, mining and processing of uranium ore;
4) nuclear fuel element-engineering, manufacturing and supply
including components and materials needed for their use in
reactors;
5) management of radio-active wastes;
6) production and application of radio-isotopes;
7) radiation protection and nuclear safety;
8) physical protection of nuclear materials; and
9) other areas of mutual interest.

Article III provides that the cooperation stipulated in article II
can be accomplished through the following methods or procedures:

1) exchange and training of scientific and technical personnel;
2) exchange of scientific and technical information and
documentation;
3) organization of symposia and seminars;

4) reciprocal deliveries of equipment and services related to the aforementioned areas;

5) provision of stipends and scholarships;

6) setting up of joint working groups to carry out specific studies and projects on scientific research and technological development; and

7) other forms of cooperation deemed appropriate by both countries.

It is provided in article IV that the cooperation within the framework of the agreement shall be carried out between the governments of the two countries or the competent agencies designated by them. The specific content, scope, and other details of the cooperation shall be stipulated in additional agreements to be concluded by them.

The contracting parties, according to article VIII, shall take necessary measures to provide adequate physical protection for the nuclear materials and equipment transferred pursuant to this agreement.

B. Agreement on Economic Cooperation

The Agreement on Economic Cooperation provides in article I that within the legal framework of their respective countries, both parties agree to promote stable and appropriate economic cooperation among corporations, companies, and organizations, within the scope of their respective domestic economic development programs. The areas of cooperation, according to article II, are agriculture, livestock, fishing, silviculture, oil exploitations, gas, coal, the food industry, petrochemicals, chemicals, medicinal and pharmaceutical products, steel, roads, naval and port activities, machinery in general, equipment for telecommunications services, engineering, and insurance. These areas of agreement do not exclude other forms of cooperation that corporations, companies or organizations may agree to at any time.

According to article III, both parties may agree to any form of cooperation, including:

1) the joint formulation of study programs and projects, in keeping with economic development needs in their respective

25. Id. at 358-59 (signed in Beijing on June 7, 1980).
REGIONAL ACTIVITIES

countries;

2) the construction of new industrial plants and modernization of existing establishments;

3) the transfer of patents, licenses and know-how, exchange of technical information and documentation, training of technical personnel of higher level;

4) studies and projects for marketing;

5) contracts and agreements among companies for the establishment of direct relations in the fields of technical services, feasibility studies, joint production schemes;

6) establishment of mixed companies with Argentine and Chinese capital; and

7) interbank agreements, and other forms of cooperation.

In article V, both parties agree to establish a mixed commission for the purpose of examining the degree of implementation of the agreement.

On November 7, 1985, a Protocol to the Agreement on Economic Cooperation was signed in Buenos Aires.\(^2\)

Article I of the protocol provided that both parties are committed, in order to implement the cooperation and to develop economic projects, to promoting the conclusion of agreements or contracts, among governmental agencies, and among companies or organizations of the two countries. In article II, both parties agree that in accordance with the principle of mutual benefit, projects in cooperation may be developed, in particular within the following economic fields: agriculture, livestock, fisheries, forestry, mining, services, construction industry, shipbuilding, and city planning and sanitation.

Article III of the protocol stipulates that the banks of both countries, in accordance with the legislation and regulations in force in their countries, shall offer appropriate assistance for the implementation of the projects involving mutual cooperation.

Both parties agree, as stated in article V of the protocol, that the mixed commission, established by the Agreement on Economic Cooperation, shall be responsible for the analysis of the progress of economic cooperation between the two parties, and shall formulate

\(^2\) Id. at 360-62.
recommendations pertinent to the implementation of the objectives set out in the protocol.

C. Agreement on Scientific and Technical Cooperation

Article I of the Agreement on Scientific and Technical Cooperation establishes that both parties shall encourage and promote scientific and technical cooperation between the two countries, in the measure of their respective capacity and interests, within the spirit of friendly collaboration based on the principles of equality and mutual benefit.

Article II provides that on the basis of programs that are to be established by mutual consent, the following forms of cooperation are envisioned:

1) the exchange of scientific, technical and other specialized personnel, on visits, study tours, and training courses;

2) the exchange of experts, in order to transmit techniques and experience;

3) joint research in subjects of mutual interest;

4) symposia and bi-national conferences on scientific and technical subjects;

5) the exchange and transmission of information and scientific and technical data;

6) the exchange and supply of products and equipment for scientific experiments, as well as for improving varieties for agriculture, silviculture, livestock and aquatic products;

7) the establishment, operation and use of scientific and technical centers for conducting tests, scientific research or experimental production; and

8) any other method of cooperation suitable to both parties.

Article IV establishes the methods for financing the implementation of the programs or other forms of cooperation derived from the present agreement. Both parties agree, in article V, to establish a Mixed Scientific and Technical Commission, which will function to define specific programs and projects, to conclude specific agreements in the context of the present agreement, to examine and promote implementation of programs and projects. The

27. Id. at 364-66 (signed in Beijing on June 7, 1980).
commission will meet once a year, alternating between Beijing and Buenos Aires.