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Inter-American Bar Association

John O. Dahlgren

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I. TWENTY-FOURTH CONFERENCE

A. Summary of Proceedings

The XXIV Conference of the Inter-American Bar Association held in Panama City, Panama on February 4-10, 1984 was a great success. The Colegio de Abogados de Panama hosted the Conference and provided meeting facilities at the ATLAPA Convention Center.

Dr. Jorge Illueca, Vice-President of the Republic of Panama and President of the U.N. General Assembly, addressed the Inaugural Session. Hon. Nilson A. Espino, Mayor of Panama City, formally welcomed the delegates. Other speakers included Dr. Jorge Fabrega Ponce, President of the host association, Dr. Burton A. Landy, President of the IABA, Dr. Stanley L. Chauvin, representing the American Bar Association and Dr. Laercio da Costa Pelle-

* Mr. Dahlgren is the Secretary General of the Inter-American Bar Association.
grino, President of the Instituto dos Alvogados Brasileiros. The principal speaker at the Closing Session was Dr. Menalco Solis, Ministro de Planificacion y Politica Economica.

The following international organizations were represented: Organization of American States (Dr. Luiz Dilermando de Castello Cruz, Director of the Department of Development and Codification of International Law), Inter-American Development Bank (Dr. Joaquin de Pombo, Assistant Legal Advisor), Inter-American Commission of Human Rights (Dr. Marco G. Monroy Cabra, ex-President), Inter-American Commission of Women-OAS (Dr. Aura L. de Russo), International Association for the Protection of Industrial Property (Dr. Carlos Arosemena Arias), The American Society of International Law (Dr. Frank E. Nattier), Instituto Interamericano del Nino-OAS (Dr. Ubaldino Calvento Solari), Asociacion Interamericana de Radiodifusion (Dr. Luis Alberto Sole, Director General), Union Iberoamericana de Colegios y Agrupaciones de Abogados (Spain) (Dr. Enrique Mapelli) and Mutualidad General de Prevision de la Abogacia Espanola (Dr. Jose Maria Antras Badia).

Various committees presented special programs which involved distinguished panelists. Topics under consideration included the peaceful settlement of international disputes, commercial arbitration procedures, and the U.N. Standard Minimum Rules for the treatment of detainees. Other topics included legal education, accounting systems, and office automation for the legal profession.

There was also a Seminar on the Administration of Justice in Central America and the Caribbean. The discussions focused on efforts to improve the administration of criminal justice in order to guarantee the enforcement of human rights and preserve the democratic system. The seminar recommended the following:
1. The periodic revision of substantive and procedural penal legislation.
2. Enactment or application of legislation regulating the Judicial profession.
3. Provide the judiciary with absolute independence, as reflected in:
   a) Impartial selection of judges and magistrates (capability, experience, vocation, and competence).
   b) Active participation of legal professional organizations in the appointment of judges and magistrates, by submitting names of suitable candidates to the bodies in charge of making judicial
appointments.

c) Specialized training of candidates and refresher courses for practicing judges in schools or institutes, together with courses for members of the Public Ministry and for other judicial officers.

d) Providing the judiciary with the essential means (budgetary or institutional) which will allow it to perform its function.

e) Professionalization of auxiliary institutions in the judicial system to ensure the efficacy of criminal investigation.

4. Increase the number of courts in accordance with the country’s needs.

5. Establish modern penitentiary systems to achieve crime prevention and the social rehabilitation of criminals.

6. Request that international organizations and those countries able to do so provide the broadest cooperation to promote the exchange of resources, ideas and experiences and to create mechanisms for the attainment of proposed goals, geared toward strengthening the administration of justice in the Central American and Caribbean region.

The conference’s central themes were “External Debt: Legal Aspects in the Development and Integration in the Americas” and “Legal Education and Legal Profession in the Americas”. These topics received extensive consideration by the respective committees resulting in specific resolutions adopted by the Conference. The full text of these resolutions is included in section D of this report.

B. Awards Presented

The following awards were presented at the XXIV Conference:

Diploma De Honor: This award, which substitutes for the IABA Medal, was given to Dr. Alfonso Herrera y Franco, Chairman of the Organizing Committee, Dr. Jorge Fabrega Ponce, President of the Colegio Nacional de Abogados de Panama, and Dr. Abelardo A. Herrera, IABA Councilor and Co-Chairman of the Organizing Committee. Their efforts to organize and coordinate aspects of the Conference greatly contributed to its outstanding success.

Best Paper Award: This award was presented to co-authors Dr. Carlos I. Gorrin Peralta and Dr. Carmen Olga Rodriguez Qui-
nones of Puerto Rico for their work entitled “Hacia una nueva metodología para la pedagogía jurídica”. **Honorable Mention**: The three papers selected for this award were entitled “La adopción y el hambre” by Dr. Paulo Lins e Silva of Brazil, “Algunas implicancias educacionales y sociales de la enseñanza de la practica profesional en ambiente académico” by Dr. Luis Bates of Chile, and “La soberanía de la marítima del Perú” by Dr. Jesus Antonio Rivera Ore of Peru.

**Book Award**: This award was given to the book “Derecho Penal, Puertorriqueño: Parte General” by Dr. Dora Nevares Muniz of Puerto Rico. **Honorable Mention**: “La Constitucionalidad en Santo Domingo: Periodo 1492-1844” by Dr. Julio G. Campillo Perez of the Dominican Republic. A joint honorable mention was also given to the publications: “World Climate Change: The Role of International Law and Institutions”, Ved P. Nanda, editor and “Cooperación Interamericana en los Procedimientos Civiles y Mercantiles”, Dr. Kos-Rabcwicz-Zubkowski, editor.

**Law Student Award**: First Prize of $600 was awarded to Elio Albornoz Muro, Law School, Catholic University, for his paper entitled “A Constructive Condition of Performance as an Actual Issue” (or “How to defuse the debt bomb lawfully”). The Second Prize of $400 was awarded to Vera Sharon Skuhersky, University of Miami School of Law, for her paper entitled “Legal Aspects of the Latin American External Debt and its Ramifications for the Development and Integration of the Americas”. The Third Prize of $200 was awarded to Jacqueline Jiminez, Faculty of Social and Administrative Science, Catholic University Madre y Maestra, for her paper entitled “La Independencia del Poder Judicial”. The **Honorable Mention** awards were given to Bobby Thompson C. Aniekwu, College of Law, Georgia State University, for his paper “Independence of the Judiciary”, and to Pablo Emilio Angarita Canas, Law School, University of Antioquia, for his paper entitled “Una Solución Jurídica a la Deuda Externa Latinoamericana”.

C. **Election of Officers**

The following is a list of the newly elected officers of the IABA (Assistant Secretaries, Executive Committee and Council members have been omitted from the foregoing):

**President**: Jose Luis Siqueiros, Mexico City, Mexico

**Secretary General**: John O. Dahlgren, Washington, D.C.
IABA CONFERENCE 1984]

Secretary: Jose Maria Videla del Mazo, Buenos Aires, Argentina

Treasurer: Francisco Costa Netto, Rio De Janeiro, Brazil

General Rapporteur: Isidoro Zanotti, Washington, D.C.

Assistant Treasurer: Charles R. Norberg, Washington, D.C.

D. Resolutions, Recommendations and Declarations

The following resolutions, recommendations and declarations were approved by the XXIV Conference. Many of these resolutions contain specific recommendations to IABA members, bar associations and the Governments of American States. The resolutions are broadly disseminated to the membership, to international organizations such as the Organization of American States and the United Nations, and to the various Governments of American States through their embassies in Washington, D.C. The IABA urges its members to carry out the recommendations set forth in these resolutions.

COMMITTEE I. PUBLIC AND PRIVATE INTERNATIONAL LAW

Resolution 1

Draft of a New Inter-American Treaty on Peaceful Settlement of International Disputes

WHEREAS:

The peaceful settlement of international controversies has been one of the basic principles and objectives of international law;

The Inter-American System has adopted, throughout its long history, several multilateral treaties on the peaceful settlement of international controversies which are in force among different groups of American countries;

The last Inter-American treaty on this matter, The American Treaty on Peaceful Settlement (Pact of Bogota, 1948), is in force among 13 countries only, 35 years after its adoption and after several recommendations by organs of the Organization of the American States for its ratification;

The Charter of the OAS and other Inter-American instru-
ments provide that all international controversies among American countries should be settled through peaceful procedures; and

It is timely and appropriate that a new Inter-American treaty on peaceful procedures for settlement of international disputes be adopted, reflecting the progress of contemporary international law and present realities,

RESOLVES'

1. To suggest to the governments of the American countries that they promote initiatives and take measures, through appropriate organs of the OAS, for the preparation of a new Inter-American treaty on peaceful settlement of international disputes, which would constitute fully and effectively the treaty provided for in Article 26 of the Charter of the OAS.

2. To entrust the Chairman of Committee I of the Inter-American Bar Association to appoint a Working Group to prepare a preliminary draft of a new Inter-American treaty on peaceful settlement of international disputes and to present it to the governments of the American countries and to the Organization of American States, as a reference document, and also for submission to the XXV Conference of the Inter-American Bar Association.

*Resolution 2

*General treaty on peaceful settlement at the United Nations Level

WHEREAS:

It is vitally important for the human race to build a peaceful world;

The best means to achieve such a goal is the improvement and application of procedures of peaceful settlement, and

No treaty exists at world level to govern those procedures,

RESOLVES

To recommend to the member associations of the Inter-Ameri-
can Bar Association that they support the initiative of drawing up, at United Nations level, a general treaty on peaceful settlement.

*Resolution 3

\textit{Draft of Model Law on Foundations}

\textbf{WHEREAS:}

By Resolution 11 of its XXIII Conference held in Tampa, the Inter-American Bar Association requested its Committees I and IV that they keep the discussion of this topic open until the next Conference, at which time they would present the preliminary draft of a model law on foundations:

A paper containing the text of a model law on foundations has been submitted to this XXIV Conference, and

It is important for the Inter-American Bar Association to refer specific current topics to organizations capable of proposing the enactment of legislation,

\textbf{RESOLVES}

1. To approve the draft of a model law on foundations, as amended and submitted to this XXIV Conference.

2. To transmit a copy of the aforementioned draft to the Organization of American States for referral to the Inter-American Juridical Committee for its consideration during its deliberations on the subject of foundations.

\textbf{Resolution 4}

\textit{Proposal for United Nations Mediation}

\textbf{WHEREAS:}

At present, there is no systematic framework in the United Nations or elsewhere for mediation of international political disputes, even though Article 33 of the U.N. Charter refers to the need to seek peaceful solutions by these means, and

Currently, disputes are usually brought before the Security Council, the General Assembly or both and debated in public. Hence, neither of these bodies is particularly well-suited to media-
tion, which often requires privacy and confidentiality to be effective,

RESOLVES

1. To recommend that there be established a United Nations Mediation Service which should consist of professionals trained in the art of mediation, headed by a Director with an office at the United Nations Headquarters, and reporting directly to the U.N. Secretary-General. Other professionals would be located at regional offices in Europe, Asia/Pacific, Latin America, Africa and Western Asia. The cost of the U.N. Mediation Service would be borne by the United Nations membership as an item in the United Nations budget.

2. That this recommendation be submitted by the Inter-American Bar Association to the United Nations, through appropriate channels.

Resolution 5

Standard Minimum Rules for the Treatment of Prisoners

WHEREAS:

Standard Minimum Rules for the Treatment of Offenders were adopted by the United Nations Economic and Social Council in resolution 663 C (XXIV) of July 31, 1957, and according to resolutions of the United Nations General Assembly 2858 (XXVI) of December 20, 1971 and 3144 B (XXVIII) of December 14, 1973, the member States should make all possible efforts to implement the Standard Minimum Rules for the Treatment of Offenders in the administration of penal and correctional institutions and take the Rules into account in the framing of national legislation,

RESOLVES

1. To recommend to the member associations of the Inter-American Bar Association that they contribute to a better knowledge of the Standard Minimum Rules by disseminating information on these Rules, organizing seminars and promoting research in this field and, also, that they urge national authorities to give due consideration and attention to the implementation of these Rules.
2. To further recommend to the aforementioned member associations and to the Organization of American States to study the feasibility of the adoption of Inter-American Regional Standard Minimum Rules or of a Convention on the treatment of prisoners, which will take into consideration the specific conditions of the Western Hemisphere.

COMMITTEE II. CONSTITUTIONAL LAW

*Resolution 6

Freedom of Speech

WHEREAS:

Limitations on the exercise of freedom of speech exist today in some countries in America and such limitations affect not only the mass communications media but also the general public’s right to be informed and to receive free flow of opinions,

RESOLVES

1. To recommend to the member associations and individual members of the Inter-American Bar Association that they express themselves, publicly and promptly and by all possible means, against all acts that impair the exercise of freedom of speech and the free flow of information and communications.

2. To urge the political forces within each State to respect the above mentioned freedoms and the judiciary to effectively guarantee such freedoms.

3. To recommend that appropriate legislation provide for judicial action to guarantee the exercise of freedom of speech and to ensure that it would not be impaired.

COMMITTEE III. ADMINISTRATIVE LAW

*Resolution 7

Job Stability of Government Employees

WHEREAS:

Work is both a right and a duty of the individual and it is up to the State to assure the necessary conditions for workers to enjoy
a dignified standard of living, and

In order to achieve this goal, full or discretionary power to contract or dismiss public employees must not fall on any single authority and, on the contrary, there should be a merit evaluation system which would guarantee job stability to public employees, based on their capabilities and proper performance,

RESOLVES

To recommend to the member associations of the Inter-American Bar Association that they submit to the governments of their respective countries suggestions for legislation aimed at establishing basic standards and principles guaranteeing job stability of government employees.

*Resolution 8

Legislation on State Contracts

WHEREAS:

The large number and variety of contracts executed by the State, whether through central government institutions, decentralized, autonomous or semi-autonomous agencies, makes it necessary to have special regulation on this matter, and

Such regulation should be comprehensive and uniform for all public sectors,

RESOLVES

To recommend to member associations of the Inter-American Bar Association that they suggest to the governments of their respective countries that, in keeping with the requirements and potential of each country they enact legislation to govern state contracting in accordance with appropriate standards, objectives and equality of options, as well as with specific principles, reflecting the most up-to-date scientific and juridical criteria.
IABA CONFERENCE

COMMITTEE IV. CIVIL LAW, PROCEDURE AND LITIGATION

*Resolution 9

Child Adoption

WHEREAS:

The institution of child adoption is of particular importance, above all as means of protecting abandoned children;

Domestic legislation regarding child adoption should be updated according to modern trends and the inspiring philosophy of this Association;

The increase in recent years in the adoption of children from various American countries, at an international level, which often causes difficult problems concerning nationality, civil status and other conflicts of law, require up-dated unification of private international law standards contemplating the present needs in this area;

The Meeting of Experts of Child Adoption, held in Quito, Ecuador, in March 1983, convoked by the Inter-American Children's Institute (OAS), approved the draft Bases of Uniform Law and a draft Convention on Conflicts of Law regarding Adoption of Minors;

The text of the draft Bases of Uniform Law was studied and approved by Committee IV, with reservations by some of its participants, and

The Third Inter-American Specialized Conference on Private International Law (CIDIP-III), to be held soon, will include in its agenda, by resolution of the tenth regular session of the General Assembly of the OAS, the subject of child adoption,

RESOLVES

1. To recommend that domestic legislation on child adoption in American countries be up-dated according to the draft Bases of Uniform Law, approved by the Meeting of Experts on Child Adoption, held in Quito, Ecuador, March 7-11, 1983.

2. To express its interest in the Draft Convention on Conflicts of Laws concerning the Adoption of Minors, approved by said
meeting of experts.

3. To forward to the Inter-American Specialized Conference on Private International Law (CIDIP-III), for its consideration, a copy of this resolution and of the papers presented to Committee IV.

*Resolution 10

Draft of the Family and Minors Code of the Republic of Panama

WHEREAS:

In January 1983, the Government of the Republic of Panama appointed a Codification Commission to prepare a preliminary draft of a Family and Minors Code;

The Panamanian Codification Commission delivered a complete report on the aforesaid preliminary draft to Committee IV of this Conference;

After due consideration of the content of the report, Committee IV has concluded that this preliminary draft of a Family and Minors Code is a valuable instrument which contains the most recent developments in Family and Minors Law in Latin America, and;

The Panamanian Codification Commission submitted its final report and preliminary draft to the President of the Republic of Panama,

RESOLVES

To congratulate Panama for the preparation of the preliminary draft Family and Minors Code of the Republic of Panama, and communicate to the appropriate Panamanian agencies the support of the Inter-American Bar Association for such draft code.
COMMITTEE V. COMMERCIAL LAW AND PROCEDURE

*Resolution 11

Ratification of the U.N. Convention on Contracts for the International Sales of Goods

WHEREAS:

One of the objectives of the Inter-American Bar Association is to promote uniform legislation, and

The objective and purpose of the United Nations Convention on Contracts for the International Sales of Goods is to harmonize the laws of sales and to provide uniform legislation for drawing up sales contacts and for governing the obligations, rights and liabilities of parties to such contracts, which convention was drafted with the aid and counsel of representatives of nations represented at this Conference,

RESOLVES

To recommend and urge the ratification or adherence to this Convention, thus promoting more harmonious trade relations among the nations of the Western Hemisphere and of the World.

COMMITTEE V. COMMERCIAL LAW AND PROCEDURE

COMMITTEE VIII. DEVELOPMENT AND INTEGRATION

*Resolution 12

Documents of Credit

WHEREAS:

The basis of the paper entitled "Libranzas de Duplicatas Contra Domiciliados en el Exterior" presented to these Committees, evidences the benefit of international documents of credit as a factor for the development of international trade and business,

RESOLVES

To recommend that the American countries, through harmoni-
zation efforts being carried out in various international forums, make their legislation compatible and uniform so as to make effective the rights inherent in documents of credit in order that they may be subject to judicial action outside the country of their issuance.

COMMITTEE VI. CRIMINAL LAW AND PROCEDURE

*Resolution 13

Basic Concepts Relating to the Prevention of Crime and Penal Procedure

WHEREAS:

It is convenient and opportune to reaffirm important basic concepts relating to the prevention of crime and to penal procedure,

RESOLVES

To reaffirm the following concepts:

1. Violence at home should be avoided. Aggression sets a bad example for children and, in many instances, children are victims of such aggression, whether accidentally or intentionally.

2. The mission of the community in crime prevention is most important. Lawlessness or violence must not be accepted in the home or in any human relationship.

3. The right of defendants to a full defense must not be impaired in any way. Justice must be prompt but without impairing the right of defense, which must be complete, in all circumstances and in every step of the proceeding.

4. The rule of equality between the parties (Prosecution and Defense) in the entire proceeding must always be respected and stimulated, since it is basic to the validity of the judicial proceedings.

5. The independence and impartiality of the judiciary are indispensable factors to the administration of Justice; without them, Justice cannot prevail.

6. Prison conditions existing in many American States are
often unacceptable in civilized societies. The Inter-American Bar
Association, therefore, recommends that all nations of the Western
Hemisphere be encouraged to examine the conditions of their own
prisons and act accordingly.

COMMITTEE VIII. DEVELOPMENT AND INTEGRATION

*Resolution 14

External Debt

WHEREAS:

There has been presented and considered at this Conference a
report by this Committee on one of the Central Themes - "Exter-
nal Debt: Legal Aspects in the Development and Integration of
Latin America," with specific recommendations on the subject,

RESOLVES

To recommend:

1. That debtors, whether public or private entities, and their
creditors engage in direct negotiations with the view to satisfy
their obligations within the framework of law.

2. That in such negotiations specific consideration should be
given to: a) precision on the origin, amount and legal validity of
said obligations; b) a broad extension of the payment terms and
reduction of current interest rates; c) granting of new commercial
and development loans; d) establishment of a permanent flow of
genuine foreign investments; e) cooperation from developed to de-
veloping countries by facilitating trade, transfer of technology and,
in general, the terms for interchange.

3. That as may be feasible and opportune, broad information
and consultation mechanisms be established among countries
which are debtors, as priority objectives of the continental policy,
by virtue of the solidarity and cooperation which should prevail
among the American countries.

4. That the terms agreed upon on authorized credits should
not compromise plans for development, or for Latin American re-
gional integration.

5. That it is appropriate to emphasize that ample conditions
have been laid out to attain a global solution to the aforemen-
tioned matters by expediting and supporting the process of Latin American integration.

COMMITTEE IX. LEGAL EDUCATION AND THE LEGAL PROFESSION

*Resolution 15

1984 Panama Resolution on Legal Education and the Legal Profession in the Americas

WHEREAS:

The teaching of law in the Americas is a permanent concern of the Inter-American Bar Association;

From discussions generated at the sessions of this Committee and from presentations made by participants in the Seminar on Legal Education it has become evident that there are deficiencies in the teaching and learning of juridical and social sciences in academic circles, and

The conclusions adopted, papers and other documents submitted to the Seminar, held with the sponsorship of the American Bar Association, are to be published in due course under the direction of its Coordinator for dissemination in accordance with Resolutions 20, 21 and 22 of the XXIII Conference of the Association held in Tampa in 1982,

RESOLVES

1. To recommend that the teaching of law should include specific courses in legal writing and oral presentations, together with advancement in the learning of legal standards and analysis of the various subjects.

2. To suggest that in the teaching of the principles of law there be included a variety of learning methodologies in accord with the modern techniques in education.

3. To recommend the inclusion of courses, to the extent possible, dealing with the teaching of how to practice law when realistic situations are involved, given the academic and social potentiality of this type of education.

4. To urge law faculties: a) to prepare academic programs which, during the last two years of legal studies, will lead to spe-
cialization in specific fields of law; b) to promote the establishment of Legal Documentation and Information Centers at national and international levels.

5. To recommend that in the planning of the teaching of law there be established a requirement for law professors to have appropriate background, juridical and academic, together with knowledge of advanced techniques in education.

6. To point out that the professor of law should not merely teach a system of standard rules but also broaden his teaching to conform to realities of human behaviour and values. There should exist absolute "freedom in teaching" and, likewise, freedom of expression on the part of the student.

7. To recommend that professors be permanently abreast of the latest developments in law and should reach for the truth in their teaching and in the learning of their students, thus avoiding a dogmatic approach. Professors of law should defend democratic values, such as: respect for human dignity, personal freedom, and human rights; they should refrain from using their professorship for purposes which deviate from the teaching function and should always be aware of their social responsibilities in educating future social and political leaders.

8. To urge the Faculty of Law of the Inter-American University of Puerto Rico to continue with its study of Methodology (PREME) and to recognize said Faculty for its work on behalf of the juridical progress and legal education, which philosophy, objectives and purposes are essential goals of the Inter-American Bar Association.

9. To recommend to the governments of the American States, bar associations and individual lawyers that they cooperate in a broad dissemination of the aforementioned recommendations in their respective countries.

10. That copies of this resolution be sent to the United Nations, to Missions and Delegations to the Organization of American States, to the General Secretariat of the OAS, to the Inter-American Juridical Committee and to the Faculties of Law and Universities throughout the Western Hemisphere.

11. To request the Inter-American Juridical Committee to provide all possible cooperation for the purposes mentioned in this resolution.

12. To recommend that this resolution be known as the "1984
Panama Resolution on Legal Education and the Legal Profession in the Americas."

*Resolution 16

Fourth International Congress on Social Security for Lawyers

WHEREAS:

The Inter-American Bar Association has sponsored and has urged its members to participate in the international congresses of social security;

This Association has endorsed the declaration approved at the First Interanational Congress on Social Security for Lawyers held in La Plata, Argentina, in April 1974 and also the Second Congress held in Rio de Janeiro, Brazil, in August 1978, and urged its members to participate in the Third Congress held in Caracas, Venezuela in March 1982;

The “Mutualidad General de Previsión de la Abogacía,” Spain, has been chosen to organize the Fourth International Congress of Social Security for Lawyers to be held in Madrid in October 1984, and

Given the importance of the aforementioned congresses which have been the subject of resolutions in previous Conferences of the Association, the President of the Inter-American Bar Association has been appointed Vice-President of the Fourth Congress by its Organizing Committee at its meeting in Madrid on December 9, 1983.

RESOLVES

1. To recommend to institutions, member associations and individual members of the Inter-American Bar Association their participation in the Fourth International Congress on Social Security for Lawyers to be held in Madrid, Spain, in October 1984.

2. To urge that information on this Congress be disseminated and to encourage attendance and active participation in this event, in particular by members of this Committee.
Acceptable Limits on Repression of Tax Evasion

WHEREAS:

Tax rules should not go beyond their specific scope,

RESOLVES

To recommend that sanctions in tax matters be of a pecuniary nature, notwithstanding the ordinary penal treatment applicable to crimes related to the tax evasion.

Taxation on Income From Professional Services

WHEREAS:

There exists on the American Continent various tax systems that apply levies on professional fees by means of a tax on services, a value-added tax, an income tax or other types of taxes;

One of the goals of the Inter-American Bar Association is to promote uniformity of laws as well as to stimulate knowledge of the laws in effect in the various countries of America, and

The Association should consider as one of its objectives the defense of the interests of lawyers and should also foster the availability of legal assistance so that access to professional services by individuals is not restricted.

RESOLVES

1. To entrust to its Committee X. Fiscal Law, in collaboration with members of the Inter-American Bar Association, the undertaking of a survey of the different tax systems in America that tax professional services rendered by lawyers.

2. To request the aforementioned Committee to prepare and submit to the next Conference of the Association proposed uniform standards for taxation of professional legal services to be recommended to the governments of the American States.
Draft Environmental Code

WHEREAS:

The legal protection of the environment, under rules and principles clearly recognized by modern environmental law, is of vital importance for each nation to preserve the health of its population while maintaining, at the same time, a continuing and balanced development of its natural resources, and

The Inter-American Bar Association could be an effective organization for the preparation of a draft Environmental Code for countries interested in adopting environmental codes or laws on the subject,

RESOLVES

1. To recommend that Committee XI. Natural Resources and Environmental Protection prepare a draft Environmental Code, under the aforementioned principles, for presentation to the XXV Conference of the Association.

2. To request the member associations of the Inter-American Bar Association as well as the Organization of American States that they cooperate with Committee XI in gathering information regarding the status of environmental legislation in the American countries.

3. That copies of this resolution be sent to the abovementioned institutions for their information.
Resolution 20

Ratification of the American Convention on Human Rights and Acceptance of the Jurisdiction of the Inter-American Commission and Court of Human Rights

WHEREAS:

The Charter of the Organization of American States, the American Declaration of the Rights and Duties of Man, the Universal Declaration of Human Rights and other international instruments have enshrined respect for human rights;

It is the responsibility of both the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights to internationally protect human rights in America;

For such protection to be effective it is necessary that all American States: a) Ratify the American Convention on Human Rights; b) Accept the jurisdiction of the Inter-American Court of Human Rights; and c) Accept the competence of the Inter-American Commission on Human Rights to consider communications on human rights relating to the American States;

The existence in the Hemisphere of political regimes which violate the freedom, safety and dignity of human beings not recognizing people's freely expressed will as the only source of political legitimacy, is not compatible with the respect of human rights, and

The full operation on democratic institutions constitutes the sole guarantee for existence of the rule of law and respect for the basic rights of human beings,

RESOLVES

1. To urge the American States that have not yet done so: a) to ratify the American Convention on Human Rights; b) to accept the jurisdiction of the Inter-American Court of Human Rights; c) to invite and receive in their territories the Inter-American Commission on Human Rights and allow it to perform its duties.

2. To declare that any violent or arbitrary change in the constitutional order as well as any form of government that is not based on the exercise of the right of the people to full political
participation, is incompatible with the respect for human rights;

3. To declare that there is no substitute for the full operation of democratic institutions as a guarantee for the existence of human rights and peace in the Western Hemisphere.

*Resolution 21

State of Siege

WHEREAS:

A state of siege is a means of defending constitutional order and must not be used as an instrument for disrupting such order, and

Article 27 of the American Convention on Human Rights establishes the limitations and prerogatives of the states to suspend constitutional guarantees and establish state of siege,

RESOLVES

1. To encourage the American States to declare a state of siege only in exceptional and temporary cases within the limitations provided in the above mentioned Convention.

2. To transmit the contents of this resolution to the American States through their respective Missions or Delegations to the Organization of American States.

*Resolution 22

Problems of Refugees and Undocumented Persons

WHEREAS:

The situation of refugees, who are frequently undocumented and whose basic rights are often overlooked, has been aggravated in the Western Hemisphere, and

The Inter-American Commission on Human Rights has suggested to the General Assembly of the Organization of American States the creation of an Inter-American Authority to collaborate with the work of the United Nations Commission for Refugees,
RESOLVES

To support the proposal of the Inter-American Commission on Human Rights for the creation of an Inter-American Authority for the purpose of solving the problems of refugees or undocumented persons, assuring that they are treated in a humanitarian way and that their human rights are fully recognized.

Resolution 23

Implementation of Res. 28 of XXI Conference of IABA

WHEREAS:

The struggle for respect for human rights must be a continuing task of all lawyers and bar associations, and

The Inter-American Bar Association membership consists of bar associations and individual lawyers,

RESOLVES

To recommend to the member associations of the Inter-American Bar Association that they put into effect the provisions of Resolution 28 adopted at the XXI Conference of IABA held in Puerto Rico, in 1979, dealing with the Inter-American Court of Human Rights, and to report at the next Conference of the Association on action taken on the matter.

MISCELLANEOUS

*Resolution 24

Establishment of a Nobel Prize for Law

WHEREAS:

The Nobel Prize is one of the highest awards which can be bestowed upon those individuals who, through their dedication to the cause of science, moral example or contribution to the arts, deserve to be singled out to future generations as worthy of being emulated by men and women throughout the world;

Since the Nobel Prize was established, individuals with a diversity of disciplines including, among the liberal professions,
Medicine and Economy, have been honored with the bestowal of said prize, and

There is no mechanism at the present time that will ensure a prize of this category for the legal profession,

RESOLVES

To direct the Council of the Inter-American Bar Association to establish, through whatever means it may deem appropriate, a special committee for the purpose of promoting the creation of a Nobel Prize for Law; and that such committee, with the cooperation of appropriate professional organizations, undertake any action that may be necessary in order to achieve the creation by the Nobel Foundation of a Prize for Law, with the usual funding provided by the Foundation for its prizes.

*Resolution 25

Homage to Juan Bautista Alberdi, of Argentina

WHEREAS:

It is appropriate to pay homage to the Argentine national hero, Juan Bautista Alberdi, eminent citizen of recognized prestige in the American Continent, for his defense of freedom, justice and democracy, thus strengthening the foundations for a constitutional organization, and

This year marks the 100th anniversary of his death and the Republic of Argentina is organizing important ceremonies to commemorate Alberdi and his great achievements,

RESOLVES

1. To join in the homage to Juan Bautista Alberdi, recognizing that full enforcement of the Constitution, of its declarations, rights and guarantees reaffirm freedom, justice and democracy which are basic pillars of the rule of law.

2. To direct the President of the Inter-American Bar Association to appoint members of the Association to represent it at the aforementioned commemorating events and express its adherence to the homage paid to Juan Bautista Alberdi.
*Resolution 26

In Defense of Human Rights and the Primacy of Law Over Terrorism

WHEREAS:

Recent acts of terrorism in Lebanon have cost the lives of hundreds of innocent people, and

Information has been received to the effect that: a) members of the Orden de Abogados of Beirut have been persecuted while practicing their profession; b) the administration of justice is paralyzed; c) during the last few years, atrocities have increased: Christian cities have been completely annihilated, followed by acts of murder, destruction of churches, convents, libraries and universities,

RESOLVES

1. To condemn terrorism and other violations which are taking place in the Republic of Lebanon.

2. To urge the countries that integrate the "Multinational Protection Force" (France, the United States, Italy and the United Kingdom), to provide adequate protection for human rights and other principles enshrined in the Charter of the United Nations.

3. To transmit the text of this resolution to the United Nations, UNESCO, the Organization of American States, the European Economic Community, and other international governmental and private organizations, in addition to existing human rights commissions, in order to avoid new violations and stop the conflict from spreading and endangering international peace.

E. Papers Presented

Fifty-two (52) Papers Prepared for the Conference Were Presented by the Various Committees. The Following is a List of the Papers Presented Including the Names of Authors:

COMMITTEE I. PUBLIC AND PRIVATE INTERNATIONAL LAW

—"Anteproyecto de Ley Modelo sobre Fundaciones"-José M.
Videla del Mazo, Argentina
—“Proposals for United Nations Mediation” -Thomas F. Marsteller, Jr., USA
—“Régimen de Responsabilidad de los Controladores de Tráfico Aéreo” -Alvaro Bauzá Araújo, Uruguay
—“La Soberanía Marítima del Perú” -Jesús A. Rivera Oré, Perú
—“Peaceful Purposes for Activities in Outer Space: Military Activities and Demilitarization” -Harry H. Almond, Jr., USA
—“Algunas Características de un Sistema de Solución Pacífica de Controversias” -María del Luján Flores de Sapriza, Uruguay
—“Peaceful Purposes for Activities in Outer Space: Military Activities and Demilitarization” -Harry H. Almond, Jr., USA
—“Algunas Características de un Sistema de Solución Pacífica de Controversias” -María del Luján Flores de Sapriza, Uruguay
—“Breve Estudio Comparativo del Poder Judicial en los Estados Latinoamericanos y del Common Law” -José Luis Siqueiros, México
—“Using New Techniques to Resolve Transnational Commercial Disputes” -Thomas R. Ewald, USA
—“Análisis de la Legislación de las Fundaciones como Personas Jurídicas sin Animo de Lucro” -José M. Videla del Mazo, Argentina
—“Regulación Jurídica Marítima de Panamá” -Guillermo Márquez Amado, Panamá
—“Contrato de Transporte Internacional Marítimo y Terrestre de Mercaderías, Personas y sus Equipajes” -Juan Materno Vásquez, Panamá
—“Report of Contadora Group” -Eduardo S. Carrasquilla L., Guatemala
—“The Status of Criminal Jurisdiction in Outer Space: Military Activities and Demilitarization” -Maj. Gen. Thomas B. Bruton, USA
—“Immunity of Foreign Military Aircraft” -A.J. Butler, USA
—“Absolute Lack of Jurisdiction of Courts when an Undertaking to Arbitrate is Stipulated in a Contract” -L. Kos-Rabczewicz-Zubkowski, Canada

COMMITTEE II. CONSTITUTIONAL LAW
—“La Ley Laboral en las Constituciones de los Países Latinoamericanos” -David Ziskind, USA

COMMITTEE IV. CIVIL LAW, PROCEDURE AND LITIGATION
—“Adopción de Menores” -Pedro F. Silva Ruiz, Puerto Rico
—“A Adocao e a Fome (The Adoption and Famine)” -Paulo Lins
e Silva, Brazil
—“Régimen de Capacidad de la Mujer Casada y de Bienes en el Matrimonio” -Gladys Fernández Formigo, Rosina Pezzati Pérez, Uruguay
—“Fideicomiso” -José A. Noriega Pérez, Panamá
—“Adopción de Menores en Latinoamérica” -Ubaldino Códigos Solari, Uruguay
—“La Capacidad Jurídica de la Mujer Casada en los Códigos Civiles de América Latina” -Elsa Roca de Salonen, Perú
—“Deficiencias Fundamentales en la Administración de Justicia Civil en Latinoamérica” -Jorge Fábrega, Panama

COMMITTEE V. COMMERCIAL LAW AND PROCEDURE

—“La Deuda Externa: Incidencia Jurídica en el Desarrollo e Integración de América. La Esencia Social de la Economía” -Tomás Horacio Ferreyra, Argentina
—“International Equipment Leasing: Development Tool and Legal Challenge” -Judd L. Kessler, USA

COMMITTEE VI. CRIMINAL LAW AND PROCEDURE

—“Garantías Penales y el Sistema de Justicia Penal” Aura G. de Villalaz, Panamá
—“Development in International Criminal Law” -L. Kos-Rabczewicz-Zubkowski, Canada
—“A Progress Report on the Application of the U.N. Standards for Prison Conditions” -James Michael Bailey, USA

COMMITTEE VII. MILITARY LAW

—“La Protección del Canal de Panamá Contra Acciones Terroristas” -Luis Arrieta Alemán, Panamá
—**“Como Debe Reprimirse el Terrorismo en América Latina” -Jesús Antonio Rivera Oré, Perú

COMMITTEE VIII. DEVELOPMENT AND INTEGRATION

—“Desenvolvimento Jurídico com Respeito a Integracao Económica” -Luis Felizardo Barroso, Brazil
—“Divisa Flete Reajustable” -Instituto Uruguayo Derrecho del Transporte Terrestre (Colegio de Abogados del Uruguay)
—“La Deuda Externa: Su Incidencia en el Desarrollo y la Integración Latinoamericana” -Instituto de Estudio Legislativos (Federación Argentina de Colegios de Abogados)
—“Foreign Debt: San José de Costa Rica Pact and the Calvo Doctrine” -César Augusto Bunge and Diego César Bunge, Argentina
—“Deuda Externa: La Esencia Social de la Economía Tomás H. Ferreyra, Argentina

COMMITTEE IX. LEGAL EDUCATION AND LEGAL PROFESSION

—“Legal Education Must Devote More Attention to Legal Writing” -Lewis Carroll, USA
—“Metodología en la Enseñanza del Derecho” -Pedro F. Silva Ruiz, Puerto Rico
—**“Algunas Implicaciones Educacionales y Sociales de la Enseñanza de la Práctica Profesional en Ambiente Académico” -Luis Bates, Chile
—* “Hacia una Nueva Metodología para la Pedagogía Jurídica” -Carlos I. Gorrín Peralta, Carmen O. Rodríguez Quiñones, Puerto Rico
—“Formación del Profesor de Derecho” -Pedro J. Mantellini, Venezuela
—“Educación Legal y la Abogacía -Inés Palta Muñoz, Colombia

COMMITTEE X. FISCAL LAW

—“Recomendaciones para la Aproximación de los Sistemas Tributarios en Base al Anteproyecto de Código” -Manuel de Juan, Argentina
—“Límites Aceptables de la Represión Sobre Infracciones Impositivas” -Manuel de Juan, Argentina

COMMITTEE XI. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

—“Principio de Derecho Ambiental Interamericano” Eduardo A. Pigretti, Argentina
—“Aspectos Legales de la Determinación del Precio de Energía Eléctrica en Mercados Regionales: El Río de la Plata” -J. Ediseo Da Rosa, USA
—"Contaminación de das Aguas por Hidrocarburos: El Convenio Sobre ResponsabilidadCivil de 1969 y el Convenio Relativo a la Creación de un Fondo de D&em.ización a un Paso de su Revisión" -M. Delia Bueno, Argentina
—"El Desarrollo de la Aviación y la Protección del Medio Ambiente" -Alvaro Bauzá Araújo, Uruguay
—"Normatividad Jurídica de los Recursos Naturales y de la Protección Ambiental-Necesidad de su Codificación en un Único Cuerpo Legal" -Oscar Guillermo Olguín, Argentina

COMMITTEE XII. HUMAN RIGHTS

—"The Inter-American System for the Protection of Human Rights -A Case Study" -David Padilla and Charles Moyer, USA
—"Los Derechos Humanos" -Jesús Antonio Rivera Oré, Perú
—"Incompatibilidad de los Derechos Humanos y del Principio de Autodeterminación de los Pueblos con los Regímenes Autocráticos - El Derecho a la Democracia -La Paz en el Sistema Regional Interamericano" Eduardo Luis Gregorini Clusellas, Argentina.

II. AGENDA

A. Upcoming Meetings and Conferences

Mutualidad General de Previsión de la Abogacía Española: This entity is in charge of the organization of the IV International Congress of Social Security for Lawyers which will be held in Madrid, Spain, October 7-11, 1984. The IABA has been invited to be represented at this Congress. Members are encouraged to attend and participate in this important meeting.

IABA XXV Conference: The XXV Conference will be held in the Republic of Mexico. The date of the Conference is projected to be either August or September, 1985.