Inter-American Bar Association

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REPORTS

INTER-AMERICAN BAR ASSOCIATION

JOHN O. DAHLGREN

I. TWENTY-THIRD CONFERENCE

A. Summary of Proceedings

The XXIII Conference of the Inter-American Bar Association held in Tampa, Florida on November 6-12, 1982 and hosted by the Hillsborough County Bar Association, was a great success. The Conference also enjoyed the support of the American Bar Association, the Florida Bar and local authorities.

The Grand Opening Session featured an address on international trade in the Americas by the Hon. Sam M. Gibbons, Chairman of the Subcommittee on Trade, House and Ways Committee, U.S. House of Representatives. Delegates and guests were formally welcomed to this session by the Hon. Bob Martinez, Mayor of the City of Tampa and by the Hon. Wayne Mixson, Lieutenant Governor of the State of Florida. Other speakers included IABA President, Pedro J. Mantellini, the President of the American Bar Association, Morris Harrell, the President of the Hillsborough County Bar Association, C. Timothy Corcoran, the President of The Florida Bar, James C. Rinaman, Jr., and the Chairman of the Local Organizing Committee, John C. Bierley. The principal speaker at the Grand Closing Session was Ambassador Robert J. Ryan, Deputy to the Assistant Secretary for Inter-American Affairs, Department of State, who spoke on economic development and social advancement in Latin America and the Caribbean.

The following international organizations were represented: Organization of American States (Tatiana B. de Maekelt), Assistant Secretary for Legal Affairs; Inter-American Development Bank (Dr. Manuel Valderrama), Legal Department; Inter-American Juridical Committee (by its President, Jorge A. Aja Espil), and the Inter-American Copyright Institute (by its President, Antonio

* Mr. Dahlgren is the Secretary-General of the Inter-American Bar Association.
Chaves). Because of the economic situation in many countries, attendance was not as extensive as had been anticipated.

The various IABA Committees reviewed and considered papers on subjects of special interest to the members. These papers were a valuable contribution to the Conference. Additionally, a number of important resolutions, concerning legal, political, economic, social, and educational matters were considered and adopted during the Conference.

The Conference Theme, "The Rule of Law in the Americas" was considered at a special session of the Committee on Public and Private International Law. Jorge Reinaldo Vanossi, President of the Federación Argentina de Colegios de Abogados, provided an excellent presentation on this subject.

Other special Committee programs included a panel on the peaceful settlement of international disputes, presented in cooperation with the Henry Dunant Institute, Geneva, Switzerland, under the direction of its Deputy Director, Jiri Toman. A special committee presentation on ocean resources recovery under the auspices of John R. Brock, consisting of a three dimensional movie concept with running commentary on recent projective developments in oceanographic resource recovery. This program was presented by Rear Admiral G.B. Mooney, Jr., the Oceanographer of the U.S. Navy. Additional panel topics concerned internal armed conflict, developments in the law of armed conflict, military justice and terrorism. A special tour of the local Court, with a detailed orientation, to familiarize the Latin American lawyers with the common law system (including an explanation of current Grand Jury procedures in the United States) was arranged by E.J. Salcines, State Attorney, Tampa. A joint program on Inter-American Commercial Arbitration and Inter-American Maritime Arbitration was held in cooperation with the Inter-American Bar Foundation and Stetson College of Law.

B. Awards Presented

Various awards were presented at the XXIII Conference. The following is a list of the awards and their recipients.

IABA Medal: Dr. José Portuondo y de Castro, Puerto Rico, and Dr. Natalio Chediak, Miami, Florida, were each awarded a Silver Medal as founders of the IABA who throughout the years have greatly contributed to the accomplishments of the Association. A
Silver Medal was also awarded to John C. Bierley, Tampa, Florida, in recognition of his outstanding work as Chairman of the Local Organizing Committee for the XXIII Conference.


*Best Paper Award: First Award* was presented for the paper “El Estado de Derecho en las Américas” by Dr. Jorge Reinaldo Vanossi, Argentina, considered as the best paper presented at the Conference. *Second Award* went to the paper “Análisis de la Legislación de las Fundaciones como Personas Jurídicas sin Animo de Lucro” by José María Videla del Mazo, Argentina, presented to Committee I. Public and Private International Law. *Third Award* was given to the paper “Antitrust, Technology Transfer and Joint Ventures in Latin American Development” by Robert J. Radway, USA, presented to Committee VIII. Development and Integration.

*Law Student Award: First Prize* of US$300 was awarded to Howard Tolley, Jr., University of Cincinnati College of Law, for his paper entitled “The Domestic Applicability of International Treaties in the United States”. *Second Prize* of US$200 went to Patrice AnaMarie Seitz, Franklin Pierce Law Center, Concord, New Hampshire, for her paper entitled “International Covenant on Civil and Political Rights”. *Third Prize* of US$100 was given to Maria Alejandra González Rodríguez, National University of Buenos Aires Law School, Buenos Aires, Argentina, for her paper “La Enseñanza del Derecho en los Países de América”. A Diploma certifying the award was also given to each of these students.

C. *Election of Officers*

The following is a list of the newly elected officers of the Inter-American Bar Association (Executive Committee and Council positions have been omitted from the foregoing):

*President:* Burton A. Landy, Miami, Florida  
*Secretary General:* John O. Dahlgren, Washington, D.C.  
*Secretary:* José 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.
Assistant Secretaries: Tomás H. Ferreyra, Argentina; Mary M. Garner, USA; John L. McGann, USA; Guillermo Marten, Costa Rica; Themistocles A.C. Pinho, Brazil; Rubén Elias Rodríguez Avila, Panamá.

D. Membership Directory

Copies of the Association's new Membership Directory were distributed at the XXIII Conference. This Directory includes the IABA Constitution and By-laws, in English and in Spanish, and a listing by countries, in alphabetical order, of the names and addresses of all active members of the Association, as of September 30, 1982. It also includes the names of IABA member associations and of officers and members of the Council.

E. Resolutions, Recommendations and Declarations

The following resolutions, recommendations and declarations were approved by the XXIII Conference. These resolutions, many of which contain recommendations to IABA members, bar associations and the Governments of American States, are broadly disseminated to the membership, to international organizations such as the Organization of American States and the United Nations, and to the Governments of American States through their Embassies in Washington, D.C. IABA members are urged to carry out the recommendations set forth in these resolutions.

COMMITTEE I. PUBLIC AND PRIVATE INTERNATIONAL LAW

Resolution 1

Peaceful Settlement of International Disputes

WHEREAS:

The Inter-American Bar Association is aware of instances in which the peaceful settlement of disputes was unsuccessful,

RESOLVES

1. To reaffirm the principle of the peaceful settlement of international disputes.
2. To affirm that it is essential not only to improve methods of settlement, but also to publicize them widely, so that they may be used more effectively in the settlement of disputes, and to affirm the importance of the draft Declaration adopted at Manila on the peaceful settlement of international disputes, which was recently submitted to the consideration of the United Nations General Assembly.

3. To recommend that the member associations of the Inter-American Bar Association:

   a) Encourage the governments of their countries to settle international disputes only by peaceful means;
   b) Contribute to observance of the principle of peaceful settlement through education, training, communication and other ways of promoting different methods of peaceful settlement;
   c) Encourage other entities in their countries, such as law schools, political science departments, schools of international relations and other educational institutions, to include the peaceful settlement of disputes in their curricula;
   d) To suggest to the pertinent international organizations that they promote codifications and methods to achieve peaceful settlement of international disputes.

4. To recommend the inclusion of this topic on the agenda for the next Conference of the Inter-American Bar Association.

*Resolution 2

Conflict between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland

WHEREAS:

The Council of the Inter-American Bar Association, at its meeting in Buenos Aires (April 14-17, 1982) adopted a resolution which reads as follows:

The Council of Inter-American Bar Association, meeting in the city of Buenos Aires, Argentina, having regard to the present conflict between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland, and to United Na-

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

1. The Delegation of Argentina expressed its dissatisfaction with the text as approved, which does not recognize Argentine sovereignty over the Malvinas Islands.
tions Resolutions 1514 of 1960 and 2065 of 1965, expresses its concern at the existence of that conflict and calls upon the governments of the respective countries to settle their international dispute by legal and just means, in order to bring about peace between them.

The United Nations General Assembly has recently decided once again to propose a peaceful settlement of the aforementioned conflict,

**RESOLVES**

To express its satisfaction at the recent resolution of the United Nations General Assembly submitting the settlement of the Malvinas Islands conflict to the jurisdiction of that organization, with the participation of its Secretary-General.

*Resolution 3

**Islands**

*The Malvinas Islands War and its Consequences*

**WHEREAS:**

The War of the Malvinas Islands has affected relations among the American nations,

**RESOLVES**

To declare that member associations and individual members of the Inter-American Bar Association have a duty to make a contribution toward overcoming the negative effects on the American Continent left by the Malvinas Islands War.

*Resolution 4

**Conventions on Refugees**

**WHEREAS:**

A number of Latin American countries have not yet adhered to the United Nations Convention on the Status of Refugees (1951) or to its Protocol (1967);

The term "refugee" has been expanded to include recognition that displacement of people from one country to another, or from one region to another within the same nation, results not only from
"well-founded fears of persecution because of race, religion, nationality, adherence to a particular social group or political opinion" but also from outside aggression, occupation, or public unrest, including war in a country or regions of a country forcing people to abandon the country of their residence;

There is an alarming increase of refugees in Latin America, and

The Inter-American Juridical Committee of the Organization of American States at its special session in April 1966, approved a preliminary draft convention on refugees, on which no action has been taken,

RESOLVES

1. To urge the member associations of the Inter-American Bar Association that they recommend the governments of their countries to adhere, if they have not yet done so, to the United Nations Convention on the Status of Refugees and its Protocol.

2. To suggest to the Organization of American States that through its Inter-American Juridical Committee an Inter-American Convention on Refugees be drawn up, so as to blend the best aspects of inter-American tradition with those elements contributing to the universal system of protection for refugees and exiles, giving special attention to collaboration and institutional coordination among the appropriate organs of the Organization of American States and the Office of the United Nations High Commissioner for Refugees (ACNUR).

*Resolution 5

Use of Waters of International Rivers

WHEREAS:

There has been a marked increase in the use of rivers in recent years, as a result of technological developments and the establishment of new priority needs that may be met by this unique natural resource;

It is necessary to fill the existing legal gap in this area by drawing up new overall rules, a task being undertaken by the International Law Commission of the United Nations, and

Account should be taken of the series of principles set forth in
the paper entitled "Basic Principles for Drawing Up Regulations on the Use of Waters of International Rivers," which was presented to this Conference.

RESOLVES

1. To suggest to the United Nations International Law Commission that it continue its work regarding regulation of the use of international rivers in order to conclude a multilateral treaty embodying the general principles relative to this topic, bearing in mind in that connection: a) the concept comprised in the term "hydrographic basin"; b) the principles contained in the Stockholm Declaration on the Human Environment, the Charter of Economic Rights and Duties of States and other international instruments; c) the existing treaties among states regarding the use of rivers; d) the need to consider the individual characteristic of each basin so that rules to be drawn up may be accepted and actually applied among states, and e) the establishment of international river commissions.

2. To suggest to the aforementioned Commission that, in its work, it provide for the establishment of technical advisory committees, given the important bearing of scientific knowledge on drawing up rules regarding water resources.

*Resolution 6

Ratification of Inter-American Conventions

WHEREAS:

The Conventions approved by the first and second Inter-American Specialized Conferences on Private International Law (CIDIP I and CIDIP II), held in Panama in 1975 and in Montevideo in 1979, respectively, represent significant steps forward in the development and codification of private international law, and it is highly desirable that these conventions be ratified by the largest possible number of American states,

RESOLVES

1. To urge member associations and individual members of the Inter-American Bar Association, in accordance with Resolutions 6 and 7 of the XXII Conference of IABA, to make efforts to encourage the governments of their countries to ratify, if they have
not yet done so, the conventions approved by the first and second Inter-American Specialized Conferences on Private International Law, as a valuable contribution to the juridical progress of the Hemisphere.

2. To urge said member associations and individual members, in accordance with Resolution 5 of the XXII Conference of IABA, to make efforts to promote the ratification of the Inter-American Convention on Extradition, adopted in Caracas on February 25, 1981, which will be of great benefit for cooperation in the field of international penal law.

*Resolution 7

American Treaty on Peaceful Settlement (Pact of Bogota)

WHEREAS:

The Pact of Bogota - an inter-American instrument that regulates methods for the peaceful settlement of disputes - is in force, but has not been applied in conflicts that have arisen in the Hemisphere,

RESOLVES

1. To recommend to the member associations of the Inter-American Bar Association that they:

   a) Urge the governments of their countries to ratify the Pact of Bogota. If they have not done so, or otherwise, to state the reasons or facts for not doing so which should be taken into account in the event of future amendments;

   b) Suggest to the States which have expressed reservations that they consider the possibility of withdrawing them;

   c) Request the Foreign Ministries of the American states to formulate proposals and suggestions with a view to reactivating the use of the Pact;

   d) Promote steps to publicize the Pact of Bogota among the universities of the American states and recommend to bar associations and departments of international law that they hold symposiums, conferences, seminars and round tables on this topic;

   e) Promote the exchange of experience and information on this matter among international organizations and institutions, especially towards improving the peaceful settlement of disputes.
WHEREAS:

It is a general principle of law that no person may be sentenced unless he is tried under a law predating the crime and found guilty of acts for which he is or may be found liable;

Criminal acts may be defined only in the laws which provide for their specific punishment; regulatory provisions issued with respect to said laws may not broaden the scope of what the law declares to be punishable, but may only implement them with formal details aimed at the fulfillment of their purposes, and

Citing reasons of need, desirability or emergency, administrative authorities are tending to place greater emphasis on defining acts which they say are covered by an unspecified criminal law, when such law only provides parameters so general in scope that they necessarily require subsequent specification, a specification which those administrative authorities effect through their own decisions without the constitutional authority to do so,

RESOLVES

To recommend:

1. That criminal laws of all kinds precisely define punishable acts and the punishments therefor.

2. That criminal laws not delegate the power to define the acts which are subject to the punishments prescribed by law.

3. That criminal liability for punishments of any kind be imposed upon the perpetrators of unlawful acts and their accomplices, and that civil liabilities be imposed on those who have benefitted from criminal acts.
Resolution 9

Codification of Legislation on Labor and Social Security

WHEREAS:

Social security has special features, in its principles and norms, which are not to be confused with those that guide and regulate other aspects of human relations, and, therefore, they constitute a set of separate and distinct rules,

RESOLVES

To recommend to member associations and individual members of the Inter-American Bar Association that they suggest to the governments of their countries the codification of legislation on labor and social security and that they foster the establishment of social welfare law as a separate branch of legal science which should be included in university curriculum.

Resolution 10

Food Law Development in the Americas

WHEREAS:

The Inter-American Bar Association is aware of the efforts of the United States to develop and update its food laws;

It recognizes the desirability of basing food regulation upon sound scientific principles, and

It further recognizes the desirability of promoting uniform food regulation to the extent consistent with the needs, goals and possibilities of the individual countries of the Hemisphere,

RESOLVES

To recommend to member associations and individual members of the Inter-American Bar Association that they promote enactment and updating of their food laws and regulations to reflect modern scientific principles and achievements, taking into account the goals, needs and possibilities of each of the American countries.
WHEREAS:

A paper entitled “Analysis of Legislation on Foundations as Non-Profit Juridical Persons” has been presented to Committees I and IV at this Conference;

The legislation of the American countries with regard to foundations is not uniform, and in some cases is conflicting, and

The activities of foundations are helpful in the efforts of the American countries to alleviate pressures caused by significant socio-economic problems,

RESOLVES

To request its Committees I and IV that they keep the discussion of this topic open until the next conference, at which time they will present the preliminary draft of a model law on foundations.

*Resolution 12

Enactment of National Legislation on Foundations

WHEREAS:

A paper entitled “Analysis of Legislation on Foundations as Non-Profit Juridical Persons” has been presented to Committees I and IV at this Conference;

A uniform law for cultural and philanthropic foundations in the Americas can be a valuable contribution to the juridical integration of the Hemisphere, and

Interest has been expressed on foundations in Europe and the Americas, and the recent UNESCO World Conference on Cultural Policies, held in Mexico City, July 26 to August 6, 1982, approved a resolution urging the promoting of the work of cultural foundations,
RESOLVES

To recommend to the member associations and individual members of the Inter-American Bar Association that they promote the enactment of national legislation on foundations in their countries.

*Resolution 13

Legislation on Artificial Insemination

WHEREAS:

There have been presented to this XXIII Conference papers entitled "Artificial Insemination" and "Paternity and Maternity: Social and Juridical Aspects of Artificial Insemination",

RESOLVES

To recommend that the member associations of the Inter-American Bar Association make known the need for enactment by the American States of legislation on artificial insemination.

COMMITTEE VI. CRIMINAL LAW AND PROCEDURE

Resolution 14

Narcotics and Psychotropics

RESOLVES

1. To urge the member associations and individual members of the Inter-American Bar Association to cooperate in disseminating the facts that: a) narcotic and psychotropic drugs constitute a serious destroyer of people and of the family; b) children need all the guidance they can get, especially from family members, since parents should begin teaching their children at an early age about the evils of drugs; c) parents should acquaint themselves with the extent of these evils, join at least one of the organizations created for this purpose and should also cooperate with neighboring parents in exchanging ideas and information about teaching their children the dangers of drugs and how to resist the peer pressures to which they will probably be subjected.

2. To recommend that the press and other media refrain from publicizing the profits which some drug dealers may make from the
sale of drugs and that they cooperate in publicizing the serious dangers of narcotics and psychotropic drugs.

3. To recommend to the governments that official agencies dealing with health and education be strengthened so that they may provide assistance in preventive activities of this type.

4. To urge the member associations of the Inter-American Bar Association that they recommend to the governments of their respective countries that they strictly enforce treaties on illicit traffic of narcotic and psychotropic drugs.

Resolution 15

Treaties on Transfer of Prisoners

WHEREAS:

Treaties on transfer of prisoners serve a most useful purpose in repatriating prisoners to their own nations for completion of their sentences,

RESOLVES

To recommend that the existing treaties on transfer of prisoners be kept in force and that the American countries, which have not done so, be encouraged to enter into similar treaties.

COMMITTEE VII. MILITARY LAW

Resolution 16

Terrorism

WHEREAS:

There is a sharp increase in the level of terrorism in a variety of manifestations;

Terrorism, both domestic and international, has received governmental and non-governmental support; and

Terrorism is contrary to the basic principles of a civilized society, violating domestic laws and international law as embodied in the conventions on terrorism of the Organization of American States and of the United Nations on the taking of hostages, and the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic
Agents,

RESOLVES

1. To condemn any nation, persons, movement or cause that engages in the practice of terrorism.

2. To urge the governments, bar associations and attorneys of the Hemisphere to increase their cooperative efforts to combat terrorism, by reviewing and improving domestic and international legal sanctions against it, and fostering compliance with the appropriate rules.

Resolution 17

Conventions Applicable in Armed Conflicts

WHEREAS:

The legal profession has historically been dedicated to the progress of international law applicable in any armed conflict;

It is necessary to affirm support for those principles of international law which are incorporated in common law, in the Hague Convention of 1907 and the Geneva Convention of 1949 and their recent amendments, and

Such law should be developed in accordance with sound military principles in order to reduce human suffering and increase respect for human rights,

RESOLVES

To urge the governments, bar associations and attorneys of this Hemisphere to give careful study to the conventions applicable in any armed conflict, including Additional Protocols I and II to the Geneva Conventions of August 12, 1949 and to the Convention pertaining to conventional weapons, with the purpose of having the governments accede to those which they consider appropriate.

Resolution 18

Draft Multilateral Convention on
Disaster Assistance in the Hemisphere

WHEREAS:

Each year disasters take and threaten the lives and safety of thousands of people in the Americas;

The human suffering caused by such disasters can be reduced and more effectively relieved through better preparation for disaster assistance in the Hemisphere, and

The failure to provide in advance for the entry, status, movement and exit requirements of visiting emergency assistance personnel can delay, encumber or prevent life-saving disaster relief,

RESOLVES

To suggest that the Organization of American States, through its Inter-American Juridical Committee, study how the entry, status, movement and exit of emergency assistance personnel and the provision of disaster assistance can be facilitated, and prepare a draft multilateral convention that could be adopted by the American States to improve their preparation for and cooperation in life-saving efforts when disasters strike in the Americas.

COMMITTEE VIII. DEVELOPMENT AND INTEGRATION

Resolution 19

Regional and Subregional Activities Concerning Integration and Development

WHEREAS:

The treaties on Latin American integration and other instruments have expressly declared the necessity and intent of the Latin American and Caribbean countries to advance their individual and collective development;

Progress toward that objective may be achieved only through increased trade, communication, transportation, cooperation and understanding among the parties to these regional and subregional treaties;

The advancement of regional and subregional integration efforts and national developmental goals requires a continued commitment to a freer flow of trade among the member states;

The fulfillment of these objectives requires better coordination
and harmonization of policies among the member states, and

Such improvements require a climate favorable to the inflow of external capital and technology to supplement domestic resources for economic and social development,

RESOLVES

1. To urge the member associations of the Inter-American Bar Association to strengthen their determination to take a more active role in the harmonization of the juridical framework regulating this matter.

2. To recommend to said member associations that they promote the support by the governments of their countries of existing treaties which foster the attainment of national and regional development goals.

COMMITTEE IX. LEGAL EDUCATION AND LEGAL PROFESSION

*Resolution 20

Teaching of Law in the Americas

WHEREAS:

In recent years the legal profession has undergone dramatic changes as a result of the massive expansion of legal education in the Hemisphere and of social, economic and political developments;

These changes in the profession and in legal education are raising questions about the quality of the preparation of lawyers who are now beginning to practice the legal profession;

The responsible and proper practice of law requires that law schools develop in their students the basic elements of knowledge, skill and attitude that will enable them to practice their profession effectively and thereby help meet the social needs of the peoples of the Americas;

The Inter-American Bar Association, concerned with and motivated by the progress and development of law in the Americas, is interested in legal education as an essential element for excellence in the practice of law, and to this end has assigned the study of the subject of legal education to its Committee IX, and
Apart from isolated and uncoordinated efforts in each of the American countries and sporadic attempts to share information, ideas and experience on the teaching of law in the hemisphere, there is a relative absence of discussion of this subject in the Americas,

RESOLVES

1. To recommend that the teaching of law in the Americas be one of the principal topics of the XXIV Conference of the Inter-American Bar Association so that within their spheres of competence, all Committees may discuss the problems related to legal education and suggest solutions.

2. To entrust its Committee IX. Legal Education and Legal Profession with the organization of a symposium to be held during the XXIV Conference of the Association. The symposium, which is to be the task of the Committee, should include discussion meetings, workshops and seminars as deemed necessary on topics related to legal education, such as curriculum planning, teaching methods, evaluation of students, clinical education or practice, rights and obligations of law professors, and procedures for admission to the practice of law.

3. To recommend that the deans of law schools in the American countries be invited to participate in the symposium so that they may contribute to its success and benefit from the resulting exchange of ideas.

4. To recommend that the Inter-American Bar Foundation and other foundations and organizations be called upon to help finance the holding of the symposium and the participation of distinguished educators who have made outstanding contributions to legal education in the Americas.

5. To recommend to its Committee IX, that, to ensure the success of the symposium through the broadest contribution by as many countries as possible, it take steps to have at least one person appointed in each country to serve as liaison with the Committee; in this task, it will be especially important to have the cooperation of members of the Council of IABA as representatives of their respective countries.
*Resolution 21

**Practical Legal Training**

WHEREAS:

Teaching the practice of the legal profession in an academic setting is an imperative need in the present situation of the study of juridical subjects, and

Such teaching oriented toward real situations involving people who lack financial resources may serve to improve substantially the legal profession and make useful contributions toward improving the administration of justice and solving the problem of legal service for indigents,

RESOLVES

1. To express its support to the establishment of courses and activities directed toward providing such teaching in law schools and bar associations so as to make professional services available to financially disadvantaged groups.

2. To urge the members of the Council of the Inter-American Bar Association to disseminate this resolution broadly among the law schools and bar associations of their respective countries.

*Resolution 22

**Furtherance of Continuing Legal Education**

WHEREAS:

In order to effectively further its objectives, the Inter-American Bar Association could, to the extent economically feasible, undertake to sponsor, endorse and promote educational seminars and prepare publications of service to the legal profession, and

It is recognized that by thus becoming known as an organization involved in holding educational seminars and issuing publications of service to the legal profession of the countries of the Hemisphere, on a continuing basis, the Inter-American Bar Association could have the benefit of increased membership interest and a broadened base of economic and social support throughout the Americas,
RESOLVES

1. To co-sponsor — in principle and without assuming any financial obligation, along with the American Bar Association, the Federal Bar Association, the Council of the Americas and any other appropriate organization willing to be co-sponsors — the first annual seminar on current legal and financial aspects of bilateral trade and investment in the Americas, which is being planned to take place in Caracas and/or Rio de Janeiro in 1984.

2. To recommend that the members of Committee IX take an interest in securing publication of the papers presented to said seminar, as well as to other seminars and Conferences of the Association, on a regular basis, through a special issue of an existing legal publication which may be willing to dedicate one issue a year to the IABA.

COMMITTEE X. FISCAL LAW

*Resolution 23

Preliminary Draft Tax Code

WHEREAS:

The Chairman of Committee X. Fiscal Law presented to this XXIII Conference his preliminary draft for a Tax Code in compliance with resolutions adopted at former Conferences of the Association;

This draft is in accordance with a resolution approved at the XX Conference of the Inter-American Bar Association held in Atlanta, Georgia, in 1977, aimed at facilitating cooperation among American countries through harmonization of their tax systems, without excluding the potential contribution of tax treaties; it offers a body of similar fundamental tax concepts, principles and structures in the several legislative systems tending toward the desired goal of unification or harmonization through a future single Inter-American Tax Code, and

Said unification or harmonization will be facilitated if interested countries have already enacted legislation approving a uniform model tax code,

RESOLVES

1. To urge the member associations of the Inter-American Bar
Association that they recommend to the governments of their countries to consider the aforementioned preliminary draft tax code, with a view toward harmonizing their legislation in this regard.

2. That the aforementioned document be known as "Manuel de Juanó Preliminary Draft Tax Code".

COMMITTEE XII. HUMAN RIGHTS

*Resolution 24

Human Rights Ombudsman

WHEREAS:

Human rights have been the subject of resolutions adopted by previous Conferences of the Association, specifically Res. 39 and 43 of the XVII Conference (Quito), Res. 42, 43 and 45 of the XVIII Conference (Rio de Janeiro), Res. 18 of the XX Conference (Atlanta), and Res. 28 of the XXI Conference (San Juan), and

It is necessary to achieve juridical protection of human rights at the local and international levels,

RESOLVES

1. To urge the member associations of the Inter-American Bar Association to recommend that the governments of their countries establish the constitutional office of Defender of Human Rights, Inspector General of the Republic, "Ombudsman", or a similar high-level office or agency in the countries that do not have one with sufficient authority to enforce respect for human rights.

2. To further recommend to those member associations that they support the ratification of the American Convention on Human Rights by the countries that have not yet done so and acceptance of the compulsory jurisdiction of the Inter-American Court of Human Rights.

*Resolution 25

Legal Aid to Lower Income Groups

WHEREAS:

There have been presented to this Conference papers on the importance of providing legal aid free of charge,
RESOLVES

To urge the member associations and individual members of the Inter-American Bar Association to promote the effective protection of the rights of citizens and to encourage the organization and operation of legal aid services to be provided by public and private entities for lower income groups.

F. Papers Presented

Fifty Nine (59) papers were prepared for the Conference and 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

"El Estado de Derecho en las Américas" - Jorge Reinaldo Vanossi, Argentina

Related papers: "Estado de Derecho - Concepto y Antecedentes" - Tomás Ferrayra, Argentina
"El Estado de Derecho en las Américas" - Instituto de Estudios Legislativos, Federación Argentina de Colegios de Abogados

"Análisis de la Legislación de las Fundaciones como Personas Jurídicas sin Animo de Lucro" - José María Videla del Mazo, Argentina

"La Jurisdicción o Competencia Internacional como Requisito para la Eficacia Extraterritorial de la Sentencia Extranjera" - Didier Opertti, Uruguay

"Los Refugiados" - Pedro F. Silva Ruiz, Puerto Rico

"Reflexiones sobre la Vigencia del Sistema de Solución Pacífica de Controversias en el Ambito Interamericano" - María del Luján Flores de Sapriza, Uruguay

"Principios Básicos para la Elaboración de Normas Relativas al Uso de las Aguas Fluviales Internacionales" - María del Luján Flores de Sapriza, Uruguay

"International Trade in Services: Negotiating for the Future" - Thomas F. Morante, USA

"United States Immigration Law and the Investor" - George Miles
Stark and Richard Henry Maney, USA

“Aspectos Juridicos del Financiamiento Multilateral en América Latina- (El caso del Banco Interamericano)” - Gonzalo Biggs, Chile

“La Guerra de las Malvinas” - Isabel Siero, USA

“Foreign Investment in Real Property Tax Act of 1980” - William M. Sharp, USA

COMMITTEE II. CONSTITUTIONAL LAW

“Carrera Judicial Abierta (Pautas para su Implementacion)” - Roberto Rame, Argentina

“Derechos y Garantías frente a los Actos Estatales” Carlos Hervé Pereyra, Argentina

“Leyes Penales en Blanco y Responsabilidad Penal Objetiva” - Jorge E. O’Farrell, Argentina

COMMITTEE III. ADMINISTRATIVE LAW

“El Concepto de la Justa Causa en la Cesantía de Empleo en Puerto Rico” - Luis F. Antonetti, Puerto Rico

COMMITTEE IV. CIVIL LAW, PROCEDURE AND LITIGATION

“La Necesidad de Reglamentar Legalmente los Condominios” - Mario Jinete Manjarres, Colombia

“Inseminación Artificial” - Pedro F. Silva Ruiz, Puerto Rico

“Paternity and Maternity. Social and Legal Aspects of Artificial Insemination” - Paulo Lins-e-Silva, Brazil

“Applied Artworks Under Brazilian Law” - Antonio Chaves, Brazil

“Activities of the Inter-American Copyright Institute (IACI)” - Natalio Chediak, USA

COMMITTEE V. COMMERCIAL LAW AND PROCEDURE

“Leveraged Buyouts” - Max A. Stolper, USA

“Problemática de la Responsabilidad en la Actividad Humana
Ultraterrestre” - Alvaro Bauzá Araujo, Uruguay

“Responsabilidad del Explotador de los Servicios Aeroportuarios” - Alvano Bauzá, Uruguay

“The Rule of Law in International Trade: Litigating Unfair Import Trade Practice Cases Before the United States International Trade Commission” - Donald K. Duvall, USA

“Estatuto Jurídico del Comandante de Aeronave” - Alvaro Bauzá Araujo, Uruguay

“Foreign Investment Within the Latin American Legal Framework” - Clifford L. Wickman, USA

“Practice of International Commercial Arbitration in Latin America” - José Luis Siqueiros, Mexico

COMMITTEE VI. CRIMINAL LAW AND PROCEDURE

“Prisoner Transfer Treaties in the Americas: An Overview” - Theodore Simon and Robert L. Pisani, USA

COMMITTEE VII. MILITARY LAW

“El Sometimiento de Civiles a los Tribunales Militares” - Jorge Reinaldo Vanossi, Argentina

“The Constitutional Framework of Martial Law in the Americas” - Matthew Fenn Hilton and Dwight B. Williams, USA

“El Empleo de la Violencia por los Estados y los Individuos en el Conflicto Armado Interno” - César Sepúlveda, Mexico

“The Soviet Concept of Internal Armed Conflict” - Jiri Toman, Switzerland

“The Conventional Weapons Convention” - William J. Fenrick, Canada

“A Draft Multilateral Convention on Hemispheric Disaster Relief” - Raymond W. Konan, USA

“The Law of Barbados Relating to Foreign Incursions and Mercenaries” - Sherman R. Moore, Barbados

“Reseñas sobre la Actual Situación Jurídica de Honduras” -
Gerardo Martínez Blanco and Jorge Ramón Hernández Alcerro, Honduras

COMMITTEE VIII. DEVELOPMENT AND INTEGRATION

“Antitrust, Technology Transfers and Joint Ventures in Latin American Development” - Robert J. Radway, USA


“Problems of Integration Law on Foreign Investment in the Andean Pact and Particularly in Venezuela” - Victor Bentata, Venezuela

“1981 Mexican Transfer of Technology Law” - Alan L. Hyde, USA

“Transferencia de Tecnología” - Antonio Chaves, Brazil

COMMITTEE IX. LEGAL EDUCATION AND LEGAL PROFESSION

“Importancia de la Educación Legal y la Abogacía en la Protección de los Derechos y de las Libertades Fundamentales” - Jorge Luis Santana, Argentina

“Algunas Implicancias Educacionales y Sociales de la Enseñanza de la Práctica profesional en Ambiente Académico” - Luis Bates, Chili

“A Importancia da Educacao Jurídica na Proteção dos Direitos Humanos e das Libertades Fundamentais” - Guilhermina Lavos Coimbra, Brazil

“O Exercício Profissional da Advocacia na Atualidade” - Gloria Marcia Percinoto, Brazil

“Perspectivas de la Seguridad Social del Abogado” Jorge Luis Santana, Argentina

COMMITTEE X. FISCAL LAW

“Anteproyecto de Código Tributario Interamericano” - Manuel de
COMMITTEE XI. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

"Nuclear Power in the 1980's. The Role of the International Atomic Energy Agency (IAEA)" - James A. Glasgow, USA

"Legal and Financial Constraints in the Development of Binational Hydroelectric Plants" Itaipu and Yacyreta" - J. Eliseo Da Rosa, USA

"El Alcance del Nuevo Derecho Ambiental y Evolución Probable del Mismo" - Eduardo A. Pigretti, Argentina

"La Acción del Ministerio Público y la Protección Ambiental en Venezuela" - Pedro J. Mantellini, Venezuela

"Futuro Régimen Internacional para la Explotación de Recursos Naturales de la Luna. (Art. II, numeral 5 del Tratado de 1979)" - Alvaro Bauzá Araujo, Uruguay

"Proyecto de Ley Sobre la Enseñanza Obligatoria, Teórica y Práctica de los Rudimentos de la Agricultura y de los Principios Básicos del Cooperativismo Agrario para la Aplicación en las Escuelas Primarias de las Zonas Rurales de los Países Americanos" - Carlos Jáuregui, Argentina

COMMITTEE XII. HUMAN RIGHTS

"Law and Social Change - An Appraisal" - Seymour J. Rubin, USA

"La Constitución de Venezuela y los Derechos Humanos" - Marcelino Avila Ferrer, Venezuela

"Legal Services to the Poor in the Criminal Field" Luis Bates, Chile

II. AGENDA

A. Upcoming Meetings and Conferences

American Bar Association: The ABA Section of Corporation,
Banking, and Business Law is sponsoring a National Institute on International Workouts and Bankruptcies: Protecting Loans and Investments in Mexico, Canada, Brazil, Germany, Great Britain, France and Japan, on April 21-22, 1983 in New York.

Union Internationale des Avocates: The 30th General Conference of UIA will take place in Luxembourg from July 3 to July 9, 1983. Past President, Dr. A.P. Yurrebaso Viale and Council Member Dr. Alfredo Sivori, both of Argentina, will be attending this meeting as IABA Observers.

World Conference on the Independence of Justice: A World Conference on the Independence of Justice will be held in Montreal, Canada, June 5-10, 1983. The Conference will be devoted to the study and adoption of a draft Declaration on the Independence of Justice. The IABA has been invited to send delegates.

B. XXIV Conference: Panama was selected as the site for the XXIV Conference. The exact date (probably early in 1984) will be fixed shortly by the host association in Panama, the Colegio Nacional de Abogados. The Committee Chairmen and Co-Chairmen for the XXIV Conference will be designated in the near future. Members who have not indicated a Committee preference should promptly advise Executive Headquarters. The objectives and purposes of the Association can best be accomplished through the Committee activities and the comradeship engendered during meetings.