Inter-American Legal Developments

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ARGENTINA

The Law of Business Associations enacted in 1972 (No. 19.550, 4th Law, Am. 476, 1972) was amended by Law No. 19.880 (1972) regarding transitory provisions contained in art. 369. The new law provides for automatic adjustment of existing business associations to provisions contained in Law No. 19.550, with additional periods for compliance. Associations constituted abroad which ordinarily transact business in the Republic shall adjust their organization to art. 118 and 120 within six months from the day Law No. 19.880 takes effect.

Art. 3.137 and 3.149 of the Civil Code dealing with mortgages have been amended by Law No. 20.089 (1973).

A regulation regarding the exercise of the right of assembly was enacted as Law No. 20.120 (1973).

Bankrupt enterprises which continue functioning according to Law No. 18.832 (1971) offer creditors who made such continuation possible, preferred treatment (Law No. 19.980, 1972). The law is implemented by a decree (No. 8.590, 1972).

Law No. 19.982 (1972) regulates marks indicating domestic products.

The clause "without protest" in negotiable instruments is now regulated by Law No. 19.899 (1972), amending art. 50 of Decree-Law No. 5.965 (1963).

The Law on Industrial Development (No. 19.904, 1972) assists industrial enterprises through direct financial support as well as through State participation, deferred tax payments, import privileges, import restrictions, facilities regarding raw materials, and accelerated amortization (art. 4). These benefits are available only to persons domiciled and
established in the Republic and to legal entities constituted in the Republic and established therein. Regarding foreign investments and foreign technology, Laws No. 19.151 and 19.231 of 1971 (3 Law. Am. 479, 1971) and 4, 63, 1972) apply. Simultaneously, the establishment or expansion of enterprises in the Capital is being discouraged with some exemptions (art. 9). The new law favors deconcentration of present industrial sites (art. 10) by offering incentives for settling in less developed regions. Funding shall be provided by a single tax on the total value of investments for areas of high industrial concentration (art. 13). A Consejo Nacional de Promoción Industrial shall assist administrative authorities (art. 20).

The industrial register provided by Decree No. 10.363 (1961) is now regulated by Law No. 19.971 (1972).

A Law on Insurance Institutions was enacted (No. 20.091, 1973). It implements the Law on Insurance Contracts (No. 17.418, 1967) by regulating insurers which may be corporations, cooperatives, and mutual institutions; also subsidiaries or agencies of foreign associations (art. 2). Foreign insurers will be authorized to do business under conditions established for domestic corporations provided reciprocity is granted to Argentine insurers in their home countries (art. 5). The law provides for operating permits (art. 7 to 10), for various types of associations (art. 11 to 22), and regulates various risks and insurance plans (art. 23 to 29). Insurance operations demand a minimum capital (art. 30) which must be, in regard to foreign insurers, available within the Republic (art. 30, para. 2). Additional provisions regulate losses over 30% (art. 31, para. 3), investments (art. 35), management and financial statements (art. 37 to 47), revocation of permits (art. 48 to 49), liquidation (art. 50 to 57), and penalties (art. 58 to 62). Control will be exercised by the Superintendencia de Seguros de la Nación (art. 64 to 75) assisted by a Consejo Consultivo (art. 76 to 81). Final provisions regulate proceedings and appeals (art. 82 to 87).

Law No. 19.938 (1972) promotes mining. It applies to mining entrepreneurs, enterprises and cooperatives domiciled and constituted in the Republic, and engaged in exploring, prospecting and actual mining operations (art. 2). Benefits available are not only those applying to industry in general, but also exemptions up to 100% for investments in exploration and prospecting, in machinery, buildings and installations, and equipment, including imports (art. 7). Additional benefits are available under art. 11, including contributions by the State (art. 13).
Law No. 18.250 (1969) was amended by requiring that maritime transportation on behalf of the State, provinces, municipalities, decentralized organizations, State enterprises and associations with public participation be via domestic vessels. Decree-Law No. 667 (1963) regarding the *Fondo Nacional de la Marina Mercante* was amended in art. 25 by Law No. 19.870 (1972).

The *Servicio de Hidrografía Naval* was established by Law No. 19.022 (1972).

The death penalty mentioned in art. 5, 44, 46, 62, and 65 of the Criminal Code (1921) and applicable to murder (art. 80 bis), deprivation of freedom (art. 142), illegal association causing death or serious bodily injury (art. 210 ter), attacks on means of transportation with deadly or serious results (art. 225 ter), armed misuse of authority (art. 247 bis), and concealment of crimes (art. 278 quater), has been abolished by Law No. 20.043 (1972) and replaced with life imprisonment, except for crimes under art. 278 quater which now carry imprisonment from 15 to 25 years.

Subsequent to Law No. 17.094 (1966) establishing the 200 maritime miles zone off the coast as subject to Argentine sovereignty (art. 1), Law No. 17.500 (1967) excluded aliens from fishing within a 12-mile zone off the coast (art. 2) but allowed such fishing in the remaining maritime area subject to an administrative permit and payment of a fee (Decree No. 8.802, 1967, replacing Decree No. 5.106, 1966). The latter law (No. 17.500) was amended by Law No. 20.136 (1973) declaring living maritime resources within the Argentine sovereignty, as defined by Law No. 17.094 (1966), property of the State and available for exploitation exclusively to vessels flying the Argentine flag (art. 1), on the basis of a license by the Ministry of Agriculture and Livestock. The new law excludes aliens from exploitation of maritime resources in the zone claimed by Argentina since not even administrative permits are available. Violations by aliens will be punished (art. 12, b) by fines from U.S. $5,000 to $100,000 or their value in Argentine currency at the time of payment, and by confiscation of the catch; the confiscation of the fishing gear also may be ordered. Penalties against aliens (after an opportunity to defend) will be imposed by the "proper maritime authority with appeal to a federal judge (juez nacional) sitting in the circuit where the violation took place" (art. 12, b); the foreign vessel may be detained until the fine has been paid. The remaining provisions of Law No. 17.500
continue in force as does Law No. 18.502 (1970) granting jurisdiction of the maritime zone up to three miles off the coast to the provinces.

Damages inflicted by terrorists to individuals, not participating in such acts, or their property, shall be paid under Law No. 20.007 (1972), except damages to commercial or industrial assets (art. 1). The terrorist act, the causal connection and the amount of damages must be proven; in case the exact amount is not established the award shall be determined "with caution" (art. 2). Regarding damages to assets, indemnities received, including insurance, shall be deducted. In case of total or partial incapacity, the victim shall receive periodical payments (art. 3). Funds will be provided from lotteries and gambling (art. 8).

Directives for immigrations have been issued by Resolution No. 1.183 (Interior, 1972).

Law No. 20.134 (1973) seeks to prevent that increases in salaries result in increases in prices.

Prices for products from State enterprises are regulated by decree (No. 6.929, 1972).

New controls have been introduced regarding imports and exports by amendments to the Tariff Act (1963) by Laws No. 19.881 and No. 19.890 (1972).

The National Housing Fund was established by Law No. 19.929 (1972), and implemented by a regulation (Decree No. 7.680, 1972).

The law regulating the Municipality of Buenos Aires was promulgated by Law No. 19.987 (1972). The municipal government consists of a municipal council, of the administration and of neighborhood councils (art. 2). There is a municipal court for misdemeanors (art. 50), a tax court (art. 67), and a tribunal de cuentas (art. 85).

A tax reform was introduced by Law No. 20.040 (1972), amending Law No. 11.683.

A number of treaties have been ratified, among them with Colombia and Ecuador on scientific research and technological development (Law No. 19.875 and No. 19.874); with Greece on cultural cooperation (Law No. 20.020, 1972); also multilateral conventions on temporary importation of educational materials (Brussels, 1970), and on prohibition of export and transfer of cultural assets (Paris, 1970), the former by Law No. 19.883, and the latter by Law No. 19.943 (1972).
Chaco

The organization of criminal justice is regulated by Law No. 1.159 (1972). Notarial fees are set by Decree No. 2.065 (1972). The registration of aliens in municipal civil register is provided by a decree (No. 2.075, 1972).

Córdoba

Industrial promotion is planned (Decree No. 4.545, 1972). Litigation involving domestic help shall be subject to conciliation before it reaches courts (Decree No. 4.951, 1972). Mining procedures are contained in Law No. 5.436 (1972).

Mendoza

Industrial development is regulated by Decree No. 2.885 (1972).

Misiones

Fees for public services are set by Law No. 622 (1972).

Rio Negro

An emergency fund is provided for unemployed workers (Decree-Law No. 13 (1972).

San Luis

A basic law on political parties was enacted (Law No. 3.481, 1972).

BARBADOS

The traditional differentiation between barristers and solicitors was eliminated by the Legal Profession Act (No. 35, 1972). The Registrar of the Supreme Court will keep a roll of attorneys-at-law (sec. 3). Admission requires qualifications stated in the second schedule; the admission of foreign attorneys, except those from the Caribbean area listed in the first schedule, depends on reciprocity (sec. 6 and 7). The unauthorized practice of law is punishable (sec. 12). Operation of bank accounts or clients' money is regulated (sec. 13 to 16). Educational requirements are stated in sec. 17, discipline in sec. 18, to be enforced by the Disciplinary Committee. Further provisions deal with fees, with
membership in the Bar Association which is required (art. 44), and a Compensation Fund, established to protect clients against damages due to dishonest attorneys (sec. 50). The Barrister Act of 1891, the Solicitors Act of 1896, and the Conveyancing and Legal Procedures Act of 1963 have been repealed (sixth schedule).

The External Loan Act (No. 20, 1972) authorizes the Government to conclude such loans subject to approval by the Legislature (art. 3).

The Medical Registration Act of 1971 (No. 10) was implemented by a regulation (S.I. 1972. No. 170). The Training Act (No. 25, 1972) provides scholarships and training courses for public employees, including teachers.

The Severance Payments Act of 1971 (4 Law. Am. 255 1972) was amended by an act (No. 27, 1972), affecting art. 3, 4, 6, 7, 9, 12, 14, 16 to 20, 22, 24 A, 25, 28 to 30, 37, 42, and 46. An order (S.I. 1973, No. 4) implemented sec. 24A(1), delegating to the National Insurance Board functions of the Minister. The Sugar Factory Severance Payment Act of 1965 (No. 5, 4 Law. Am. 225, 1972) was repealed (Act No. 34, 1972) except sec. 2.

Barbados acceded to the INTELSAT agreement (1971) and to the Convention to Eliminate Racial Discrimination (New York, 1965).

BRAZIL

A new Code of Civil Procedure was approved by Law No. 5.869 (1973), to enter into force January 1, 1974, but immediately applicable to all pending cases. The Code consists of five books dealing with the process of adjudication, of execution, of provisional measures, of special proceedings, and is followed by final and transitory provisions. The following innovations may be mentioned: elimination of certain appeals from trial courts (agravo de petição and embargos infringentes in causas de alcada), but appeals lie against all decisions terminating the case whether on the merits or not; admission of agravo de instrumento (interlocutory appeal) against decisions rendered during the proceedings; the judge must attempt to settle the case; only one expert may be appointed even though parties may have technical assistants of their own; summary proceedings are available for cases where the amount in issue is below twenty minimum salaries; immediate judgment in cases of default; abolition of hearings where facts are proven by documents; replacement
of action for enforcement of judgment with immediate execution; abolition of the required appeal in cases of non-contested separation (desquite); elimination of delays for the confirmation of the separation agreement when the court finds that the will to separate is firm; imposition of lawyers' fees amounting to 10% to 20% of the value of the judgment on the losing party; preference to creditors who promoted attachment; and extrajudicial proceedings where all heirs are of age. Until new additional laws are enacted some provisions of the prior acts continue in force, among them partition and installment sales of land; evictions; renewal of leases of commercial property; the Torrens system of land registration; annotations in the civil register; homestead; dissolution and liquidation of associations; requirements for marriage; examination of damages goods; seizure of vessels, averages, salvage and other maritime matters.

Art. 693 of the Civil Code (1916) dealing with emphyteusis, was amended by Law No. 5.827 (1972).

The effective date of the new Criminal Code (2 Law. Am. 204, 1970) was repeatedly postponed, most recently by Law No. 5.857 (1972) until January 1, 1974.

The Labor Code (Decree Law No. 5.452, 1943) was amended, art. 576 by Law No. 5.819 (1972) and art. 674 by Law No. 5.839 (1972).

Law No. 5.805 (1972) imposes upon publishers established in Brazil the obligation to accept texts recognized by the Brazilian Book Institute when publishing works within the public domain.

A national system of land registration (cadastro rural) has been modified by Law No. 5.868 (1972), amending Law No. 4.504 (1964). Provisions limiting splitting of lots have been replaced by new minimum fractions (art. 8).

Decree No. 71.265 (1972) provides incentives for the mining industry including primary transformation of minerals scarce in Brazil. Financing is available to enterprises working with a majority of domestic capital (art. 4).

A National Institute of Food and Nutrition (INSN) has been established by Law No. 5.829 (1972).

In aviation a number of enactments may be mentioned, among them Decree No. 71.329 (1972) establishing a Computer Center for Aviation; Portaria No. 143 (Ministry of Aviation, 1972) regarding minimum crews;
Law No. 5.862 (1972) providing for the establishment of the Empresa Brasileira de Infra-Estructura Aeroportuaria (1972); also a regulation of exploration of land from air or space (aerolevantamento).

Law No. 5.859 (1972) regulates employment of domestic help; it grants annual vacations after one year of service in the same family and extends social security, contributions to be paid by both parties, each 8% of the minimum salary.

The functions of the Commission for Trade with Eastern Europe (COLESTE), established by Decree No. 62.225 (1958), have been re-defined by Decree No. 71.509 (1972).

The organization, functions and jurisdiction of the Ministry of Foreign Relations is now regulated by Decree No. 71.534 (1972).

A decree (No. 71.835, 1973) authorizes universities to admit without examination and regardless of available space dependents of foreign diplomats and employees of international organizations, diplomatic missions and consular offices, subject to reciprocity.

Among treaties the following may be mentioned: with Colombia on health (Legislative Decree No. 65, 1972); with the Federal Republic of Germany on entry into Brazilian ports of nuclear vessels (Legislative Decree No. 72, 1972); with Belgium on double taxation avoidance (Legislative Decree No. 76, 1972); on prohibition of dealing in cultural assets, signed in 1970 (UNESCO, Legislative Decree No. 71, 1972), and on international responsibility for damages caused by space objects, signed in 1972 (Legislative Decree No. 77, 1972).

BRITISH WEST INDIES

Antigua

The Social Security Act of 1972 entered into force, providing benefits for old age, disability, maternity, survivors, occupational hazards and death. Contributions will consist of 5% of wages payable by the employer and 3% by the employee.

Bahamas

The Act to Establish a System of National Insurance (No. 21, 1972) shall insure employed (as defined in the first schedule), self-employed, and voluntary insured persons (sec. 11) by offering retirement, invalidity,
survivor's, sickness, maternity, and funeral (sec. 19, para. 1), also injury, disablement, and death benefits (sec. 19, para. 2). Under particular conditions assistance may be available in the form of old-age non-contributory pensions, invalidity, survivor's and sickness assistance (sec. 30). Contributions are paid, unless otherwise provided by regulations, by insurance stamps on insurance cards (sec. 17). The National Insurance Board administering the act is composed of eleven members appointed by the Minister: five at his discretion, three representing employers, and three representing the insured (second schedule). The Board acts through an executive director (sec. 35) and other personnel, among them inspectors (sec. 35). The funds flow into a National Insurance Fund (sec. 38) to be invested as provided in the third schedule.

Act. No. 22 of 1972 regulates the use of listening devices in private conversations as defined (sec. 2). The use of such device is an offense, except if done under authorization or unintentionally (sec. 3). Punishable also is any communication of knowledge derived from the use of such devices (sec. 4). Exceptions may be authorized by the Governor, the Minister, or the Commissioner of Police after consultation with the Attorney-General (sec. 5). No evidence relating to illegal listening is admissible in civil or criminal proceedings except by consent of the party to the conversation or in any prosecution under this act (sec. 10). Violations of the act are punishable by a fine up to $2,000 or imprisonment not exceeding six months or both (sec. 9).

Among others, the following have been amended: the Public Holidays Act (No. 16, 1972); the Pension Act (No. 17, 1972); the Electricity Act (No. 19, 1972); the Tariff Act (No. 23, 1972); the Broadcasting and Television Commission Act (No. 24, 1972); the Out Islands Administration Act (No. 26, 1972), and the Road Traffic Act (No. 27, 1972).

An understanding with the United States regarding the use by Bahamian organizations, public and private, of certain islands at the United States Navy Base on the Great Exuna Islands (Nassau, 1972) entered into force.

The documents establishing independence will be summarized in the next issue.

St. Vincent

The Petroleum (Production) Regulations (No. 44, 1970) regarding licenses have been amended (No. 31, 1972).
According to the new marriage regulations (No. 35, 1972) applicants for a license must state that both parties intending marriage have resided in St. Vincent for at least five days prior to the date of application.

Act No. 13 (1972) regulates condominiums.

CANADA

A bill to establish controls over foreign investments is before Parliament. The proposed Foreign Investment Review Act deals with new foreign investments as well as with foreign takeovers of existing Canadian enterprises. Such acts will have to be submitted for approval to the Foreign Investment Review Agency acting directly under the Minister of Industry, Trade and Commerce. The Agency shall negotiate with foreign investors and check their investment plans against the following criteria: effect on Canadian economy; degree of Canadian participation in the particular enterprise and in any related part of the Canadian industry; effect on domestic productivity, efficiency and technology; effects on competition; and compatibility with domestic industrial and economic policies. The decision shall be subject to judicial review, except with regard to the points just listed, termed “significant benefit”.

Among others, the following acts came into force: the Pest Control Products Act, and the St. Lawrence Ports Operation acts. Amended were the Shipping Act, the Unemployed Insurance Act, and the Pilotage Act.

Alberta

The Franchises Act (1972) was enacted; amended were the Beverage Container Act and the Companies Act.

British Columbia

The following enactments entered into force: the Tobacco Products Act; the Guaranteed Minimum Income Assistance Act; the Handicapped Persons Income Assistance Act; and the Legislative Procedures and Practice Inquiry Act. Amended were the Male Minimum Wage Act and the Mediation Commission Act.

Manitoba

The following acts took effect: the Mineral Tax Act; the Provincial Judges Act, and the Public Trustee Act; amended were among others, the Law Society Act; the Mines Act and the Municipal Act.
New Brunswick

The Community Planning Act and the Official Languages Act (1969) have been assented to.

Newfoundland

Among others, the following acts came into force: the Adoption of Children Act; the Child Welfare Act; the Family Guidance Association Act; the Registration of Partnerships Act; the Community Council Act; the Local Government Act, the Children of Unmarried Parents Act. Amended were the Evidence Act; the Direct Sellers Act; the Attachment of Wages Act; the Summary Jurisdiction Act and the Company Act.

Nova Scotia

A number of acts have been amended, among them the Forest Improvement Act, and the Trust Companies Act.

Ontario

The Police Act (1972) was amended.

Quebec

The following acts took effect, among others: the Public Health Protection Act; the General Investment Corporation of Quebec Act; and the Environment Quality Act.

Saskatchewan

Enacted was the Industry and Commerce Development Act; amended the Department of Education Act.

CHILE

The Law on Control of Arms and Explosives (1972, 4 Law. Am. 57, 1973) was implemented by an extensive regulation issued by the Ministry of War (No. 50, 1973). Subsequent corrections (D.O. March 12, 1973) contain as Annex No. 1 extensive additions to penal provisions, to be inserted in continuation of art. 98 and consisting of art. 8 through 16. These provisions deal, among others, with penalties for organizing, supporting, instructing and activities of "private milicias, combat groups
or parties militarily organized and armed" with the implements controlled by this law. In case such acts are committed by members of the armed forces, the penalty shall be doubled; warehousing of these implements by organized groups is punishable (art. 8). Attacks on the armed forces while maintaining internal order shall be punished under the Code of Military Justice (art. 15).

An executive decree (No. 1.013, D.O. January 26, 1973) regulates the Superintendencia designed to administer, coordinate and control electrical and gas services and telecommunications (SEGTEL). It is headed by an ingeniero superintendente appointed by the President (art. 6), assisted by an administrative council of five members appointed by the President and five representatives of workers elected according to a regulation (art. 9). A special office will be in charge of planning (art. 11) and another of legal work (art. 12). There will be three technical divisions (art. 13) and regional offices (art. 21).

The price for wheat and flour has been fixed for 1973 by Decrees No. 15 and 16 (1973).

Decree No. 41 (D.O. January 31, 1973) created a National Council and a National Secretariat in charge of distribution and marketing of essential articles and services, in cooperation with administrative authorities. It will be attached to the Ministry of Economic Development and Reconstruction.

The Banco Central de Chile (D.O. December 30, 1972) has set maximum interest rates for contractual obligations at 20% over the current interest rate charged by the Banco Central, a rate applicable also to banking operations. For transactions after January 1, 1973, the rate is fixed at 30% per annum.

Law No. 17.907 (1973) valorized pensions.

The President is authorized (Law No. 17.882, 1973) to amend the decree with force of law (No. 1, 1971), containing the statute of the University of Chile approved by the advisory plebiscite on April 27, 1972.

The Superintendencia for Santiago promulgated a decree (January 8, 1973) prohibiting collective granting of vacations to the personnel of commercial enterprises. These enterprises must remain open during the forty-four hours of weekly work and vacations given in turns.

Decree No. 409 (D.O. February 24, 1973) requires that public enterprises as well as those with State participation have their transporta-
A regulation for telecommunication services in aviation was promulgated (Decree No. 76, 1973).

Contracts with the Telephone Company of Chile, approved by Law No. 4,791, have been terminated by Law No. 17,910 (1973) "in the national interest". Nevertheless, the Company will have to continue providing services (art. 3); employment contracts continue in force (art. 4).

Among treaties ratified the following may be mentioned: with Colombia on technical and scientific cooperation, signed at Bogotá in 1971 (Decree No. 548, 1972); the Convention for the Protection of Vicuña with Bolivia and Perú, signed at La Paz in 1969 (Decree No. 63, 1973); for credits with Spain (Decree No. 2,109, 1973); with Argentina on judicial solution of controversies accepting the jurisdiction of the International Court of Justice (Decree No. 676, 1973), and with the Soviet Union regarding mutual commercial representations pursuant to the agreement in Moscow in 1971 (Decree No. 663, 1972). Also ratified have been multilateral conventions, among them, the convention regarding the transit traffic of countries without coasts, signed at New York in 1965 (Decree No. 594, 1972); amendments to the convention on international civil aviation (1944) signed at New York (1917); the rules and methods in cases of collision and sabotage, prepared by I.C.A.O. as Annex No. 12 to the Convention on International Civil Aviation (Decree No. 18, 1973), and the Convention for the Protection of Literary and Artistic Works signed at Bern (1886), as amended in Brussels (1948), by Decree No. 121 (D. O. March 20, 1973).

The decree establishing commercial monopoly on the export of copper (5 Law. Am. 53, 1973) appears translated in 12 Int'l. Leg. Mat. 98 (1973); also the decision by the French court in the Kennecot case (at 182).

COLOMBIA

Decree No. 98 (1973) established five regional funds for capitalización social to mobilize domestic funds for new productive activities according to the national program of economic development, to guarantee to workers prompt payment of severance pay, and to further the "par-
ticipation of workers in the industrial development, in the ownership and profits of enterprises as well as in the administration of the funds set up by the decree” (art. 3). Funds shall be supplied primarily from accounts held by employers and earmarked for future payments of severance pay, (art. 4), due to the workers according to the length of employment (Decree No. 2.351, 1965). Such accounts shall be liquidated by the employers and the proceeds transferred in five equal annual installments to regional funds (art. 7). These funds will be invested according to directives in art. 9 and the income distributed according to art. 14. The funds will be administered by boards of seven members of whom three will be elected by workers participating in the fund, three by the affiliated employers, and one appointed by the government (art. 18). A Consejo Nacional Coordinador shall establish investment policies and supervise activities of the several funds (art. 28). Accounts of individual workers will carry 9% interest (art. 29). Under particular circumstances, the participating workers may demand payment before the time when the severance pay would become due (art. 32 to 41). The decree was implemented by a resolution (No. 295, 1973) issued by the Ministry of Labor and Social Security.

Discrimination in employment is prohibited by Law No. 13 (1972). Applications for public or private employment may not contain requests for information regarding the civil status of the applicant, the number of children, or the religious or political affiliations (art. 1). Employer's agents who investigate these matters shall be liable to a fine amounting to 10% of their monthly salary (art. 2). The employer (in this respect semi-official or private) who dismisses a worker for reasons listed in art. 1, shall—in addition to liabilities under the applicable labor laws—be fined similarly (art. 3). A public, semipublic or private employer who discriminates because of age in regard to workers between 30 and 50 years of age, shall also be fined (art. 4).

The allocation of resources of the Fondo Nacional de Ahorro is regulated by Decree No. 97 (1973).

The Superintendencia de Cooperativas has established rules for the administration of employee pension funds (Resolution No. 1.618, 1972).

New directives have been promulgated by the Ministry of Economic Development (Decree No. 2.165, 1972) for investments by insurance and finance companies, and banks.

Issuance of bonds by business associations in the private sector require approval by the Superintendencia de Sociedades (Decree No. 1998, 1971).
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The decree contains an extensive and detailed implementation of the respective provisions of the Commercial Code (3 Law. Am. 528, 1972).

A new regulation regarding purchases by administrative authorities, by industrial and commercial enterprises of the State and enterprises within the economía mixta has been issued by the Ministry of Economic Development (Decree No. 2.248, 1972).

The Mining Statute (Decree No. 1.275, 1970, 2 Law. Am. 210, 1970) has been amended by Decree No. 2.181 (1972).

A new regulation for the Fondo de Promoción de Exportaciones has been issued (Decree No. 2.103, 1972).

Pensions within the private sector have been adjusted by Law No. 10 (1972).

Colombia has ratified the convention with Chile, signed at Santiago in 1970, regarding avoidance of double taxation of maritime and aviation enterprises (Law No. 21, 1972). Pursuant to the Cartagena Agreement, Colombia has modified its tariffs by Decree No. 2.525 (1972). Also ratified were the Tokyo (1963) and the Hague (1970) conventions (Law No. 14, 1972) and implemented by changes in the Criminal Code (Decree No. 2.300, 1936), adding art. 275 bis, ter, and cuater. The general provisions of the Code also have been implemented by the addition of art. 7 bis, complying with art. 4 (b) and (c) of the Hague Convention.

COSTA RICA

A Legislative Commission was established by Law No. 5.157 (1972), consisting of five members of the Legislature appointed by its president and of representatives of the Supreme Court, of the Attorney General's office and the Contraloría General, of the Faculty of Law and of the Costa Rican Bar. The Commission shall supervise the collection and organization of the laws in force (art. 2) and publish it as a compilation (5 Law Am. 240, 1973). The future compilation will be considered authentic except when there is proof to the contrary (art. 4).

The Code of Civil Procedure (Law No. 2.859, 1961) was amended by Law No. 5.016 (1972) regarding attorneys' and other fees (art. 1040 to 1045); furthermore, art. 473 was amended by Law No. 5.114 (1972), and art. 485 by Law No. 5.115 (1972).
The status of judicial personnel was regulated by Law No. 5.155 (1973). It provides requirements for entering the judicial career (art. 18) and rules for the selection of the personnel (art. 23) through competition (art. 18 to 22); a trial period, advancements and transfers (art. 8); rights and duties, pensions (ch. 11), salaries (ch. 12) and the appointment of administrative personnel (ch. 13). In order to improve the judiciary, a Consejo de Personal and a department for personnel have been set up.

Law No. 5.176 (1973) empowers the government, as well as municipalities and related institutions to further, within their budgetary means, literature, national arts and monuments, acquire archeological specimens and works of national artists as well as to publish works in the Editorial de Costa Rica (art. 1).

Law No. 5.167 (1973) provides for educational loans (FONAPRE), funds to be provided by 5% of profits of all commercial banks and a subsidy from the State. Loans shall be granted for studies necessary for an integrated development of the Republic (art. 12), for studies in the country as well as postgraduate work abroad. Cooperativism shall become a required subject in all schools (Law No. 5.184, 1973); an intensive campaign in favor of the concept will be undertaken in cultural associations, labor unions and professional organizations (art. 5). Starting in 1974, saving and credit cooperatives shall be organized in all educational institutions to familiarize students with the practical aspects of these entities (art. 6).

Titles to lands belonging to the national reserve shall be transferred (Law No. 5.064, 1972) through the Institute of Land and Colonization in areas where at least 20% of farmers lack a properly inscribed title, provided their holdings are less than 100 hectares of agricultural land or 300 hectares of pasture (art. 1).

Three professions have recently been affected by legislation. The College of Pharmacists (Law No. 5.142, 1972), amending Law No. 15 (1941), has been reorganized and the requirements for admission revised. In regard to aliens, general requirements must be met as well as reciprocity. Exceptions apply to aliens married to Costa Ricans, residing in the country. The status of public accountants is now regulated by Law No. 5.164 (1973) amending Law No. 1.038 (1947). Aliens may exercise this profession upon meeting all general requirements and a five year residence period, subject to reciprocity; they also must obtain Costa Ri-
can nationality within two years. Art. 24 of the Organic Law of Newspapermen (Law No. 4.4420, 1964) was amended by Law No. 5.050 (1972).

Regarding exports, two important enactments shall be mentioned. Export of meat is regulated by Law No. 5.135 (1972) and controlled by the Consejo Nacional de Producción assisted by a Comisión Asesora del Mercado de Carnes (art. 2). Exporters file their applications for export permits with the Consejo (art. 6), the price depending on free negotiations; however, quantities are subject to domestic needs (art. 7), by setting aside quotas needed locally (art. 9). Violations are punishable (art. II). In case scarcity should develop on the domestic market, the Consejo will increase the domestic quota; in extreme situations, exports will be halted (art. 13).

Law No. 5.162 (1972) is designed to support non-traditional exports (traditional exports are coffee, bananas, cacao, sugar, tobacco, meat, wood, etc.). Exporters will be entitled to bearer certificates (CAT) in the amount of 15% of the export value (art. 6). Issued by the Central Bank they are not subject to taxation nor carrying interest and may be used for the payment of any kind of taxes. The same law provides for free provisional importation of goods (raw materials, half-manufactured products, products to be inserted or assembled, packaging and others) to remain in the country up to 180 days and then re-exported as finished products.

In the area of transportation, the General Law on Public Highways should be mentioned (Law No. 5.060, 1972), amended by Law No. 5.113 (1972). The General Railways Law (Law No. 5.066, 1972) provides, among others, that railway enterprises must be constituted according to Costa Rican law, be domiciled there and have nominative shares (art. 15). In case the board of directors has its seat abroad, the company must maintain a local representative with unlimited powers (art. 16); all bookkeeping must also be done locally (art. 17). No foreign state may be associated nor hold shares in such companies (art. 18, para. 2).

A new General Law of Civil Aviation was enacted (Gaceta No. 37, alcance No. 19, February 22, 1973), to replace the Law No. 762 (1949), but was vetoed by the President.

Executive Decree No. 2.487 H (1962) established a register of assets belonging to the State.
Law No. 5.052 (1972) amended provisions dealing with the enforcement of judgments rendered against the State.

The law regulating admission of aliens with fixed income (No. 4.812, 1971, 4 Law. Am. 269, 1972) was implemented by a decree (No. 2.545-H, 1972).

A reduction of prison terms is available under Law No. 5.151 (1972) for working inmates counting two working days for one day of imprisonment, subject to good behavior and progressing social adjustment. Another law provides that the Caja Costarricense de Seguro may intervene in criminal proceedings whenever the insured appears as victim (Law No. 5.126, 1972).

Costa Rica has ratified amendments to the Geneva Convention on Narcotics (1961, 1972) by Law No. 5.168 (1973); the Tokyo Convention on Criminal Acts on Board Aircraft (Law No. 5.067, 1972), and the Convention on Economic, Cultural, Technical and Scientific Cooperation with Israel (Law No. 5.175, 1973).

ECUADOR

A Commission for Legislation was created (Decreto Supremo No. 1.395-A, 1972) to prepare drafts for laws and necessary reforms to be submitted to the President for approval.

The law regulating special tribunals (4 Law. Am. 497, 1972) was amended (D. S. No. 1.4445, 1972).

In administrative matters the following enactments should be listed. Two Ministries have been established: the Ministry of Agriculture and Livestock Industry and the Ministry of Industries, Commerce and Integration (D. S. No. 162, 1973). The National Secretariat of Information has been regulated by Supreme Decree No. 70-a (1973). The Galápagos Islands became a province (D. S. No. 165, 1973). Also promulgated was a supreme decree regulating the national civil police force (No. 294, 1973).

The law on waters was implemented by a regulation (D. S. No. 40, 1973).

Oil concessions in the Gulf of Guayaquil have been cancelled (D. S. No. 1.391, 1972).
Municipalities, the Housing Bank and Mutual Associations have been authorized to enter into agreements for the construction of housing in the social interest (D. S. No. 121, 1973).

The Government will, through the Ministry of Education, provide free school supplies for the first six grades of elementary education (D. S. No. 159, 1973).

Basic studies in any country which signed the Convenio Andres Bello (D. S. No. 286, 1973) will be given credit.

A Dirección General de Desarrollo Maritimo was established (D. S. No. 112, 1973) to coordinate and regulate work of administrative agencies engaged in this area, i.e., the Dirección de la Marina Mercante y del Litoral, the Instituto Oceanográfico de la Armada and the Empresa de Transportes Navieros (TRANSNAVE), under the guidance of the Comandancia General de Marina.

A Committee for Foreign Credit was created (D. S. No. 111, 1973) to formulate, coordinate and execute policies of foreign credits under the chairmanship of the Minister of Finance, in cooperation with the Minister of Foreign Relations, the President of the Planning Council and the manager of the Central Bank, in addition to the Minister competent for the particular area.

A Law on National Culture was enacted (D. S. No. 184, 1973). The use of Spanish or indigenous terms for the identification of things, establishments and associations became compulsory (D. S. No. 1.392, 1972).

In taxation the Income Tax Law was amended (D. S. No. 158, 1973); stamp and court fees have been repealed for labor, agrarian, rent, support, guardianship and certain criminal cases (D. S. No. 163, 1973).

Participation in tax revenues was introduced by Supreme Decree No. 279 (1973).

In international relations a number of arrangements with neighbor-states is noted: a mixed commission was set up with Bolivia (Registro Oficial No. 202, 1972); also duty free or privileged commerce instituted (R. O. No. 204, 1972 and No. 143, 1973). With Peru, an arrangement for crossing the boundary was concluded (R. O. No. 208, 1972). The Convention establishing the International Union for the Conservation of Nature and Natural Resources was ratified (R. O. No. 213, 1972). Further, a convention on military technical cooperation was concluded with France (R. O. No. 227, 1973); with Colombia a convention for

EL SALVADOR

The Labor Code, enacted in 1972 (4 Law. Am. 66, 1972) was amended by Decree No. 182 (1972). In the first place, difficulties arose regarding coverage by the Code of autonomous and semiautonomous public institutions. In this respect, art. 2 now provides that the Code applies to such contracts but not when they are based on an administrative act, with salaries regulated by the Ley de Salarios charged to the general budget or special funds of the institutions or municipal budgets. In any case, employees and workers of official autonomous and semiautonomous institutions have the right to organize and bargain collectively. Stamp tax privileges provided in art. 12 have been restricted. Employment contracts considered permanent are, in fact, entered for an indefinite period except in special cases (art. 250). Employers may hire temporary workers in order to fill vacancies; such workers acquire all rights of permanent workers, except tenure (art. 27). Pregnant women may not be used for strenuous work (art. 110). Final provisions correct errors in the original text (art. 192, 226 and 632).

The provisions contained in the Commercial Code (1970, 3 Law. Am. 60, 535, 1971) regarding commercial agents (agentes-representantes) have been amended by Decree No. 247 (1973). Art. 392 defines agents, distinguishing those who do not act on their own account and their liability. Agents may represent a number of principals as long as their commercial activities are different (art. 393). Conditions of agency may be changed if terminated as long as they do not violate the basic contract (art. 394). The agent is entitled to a proportionate commission which accrues to him in case of exclusive dealership even if the deal has been made by the principal (art. 395). Offers shall be forwarded without delay (art. 396). The arrangement may be terminated on a three month notice (art. 397). In case of an illegal termination, namely without just reason (art. 398), the agent has claims listed in art. 397 (1) to (5). Litigations belong to the court of the agent's domicile (art. 399 A). Whenever the principal is an alien and owes the agent money under a final judgment, the principal will be prevented from importing goods or offer services until he complies with the judgment (art. 399 B).
The law for the regulation of farm leases enacted in 1972 (4 Law. Am. 498, 1972) was extended through March 31, 1974, in view of the fact that the circumstances which prompted the enactment still exist (Decree No. 269, 1973).

The law of the commercial register (Decree No. 271, 1973) has implemented provisions of the Commercial Code (1970) by regulating its function, organization, and types of inscriptions as well as applicable procedures and fees. Among items subject to inscription are: licenses of individual and business associations and the charters of the latter; various types of powers; installment sales; bond issues; transfers of enterprises or vessels and interests in them; chattel mortgages; trusts (fideicomisos); certificates of participation; charters of foreign business associations and administrative permits to operate locally; individual enterprises with limited liability (4 Law. Am. 412, 1972); name of the firm; trade marks, patents and copyrights and their transfers; transfers and leases of commercial enterprises, and others (art. 13). Contents of the register are considered, in principle, to be true; in any case, third parties' reliance in good faith is protected. Unregistered documents subject to the duty of registration do not take effect in relation to third persons (art. 5), nor will they be admitted in evidence in courts or before administrative authorities (art. 85). There will be one commercial register in the Capital, with additional offices outside, if necessary (art. 6).

A new Criminal Code was adopted, effective on January 1, 1974. It will be summarized in the next issue. A draft for a Code of Criminal Procedure is under study.


FRENCH ANTILLES AND GUIANA

Decree No. 72-1049 (1972) amended Decree No. 62-138 (1962) regarding courts de grande instance in Martinique, Guadeloupe and Guiana. Law No. 73-1 (1973) extended laws on notaries (enacted in year XI) and on huissiers (1945) as well as on certain public officials (1955) to overseas departments.

Law No. 73-42 (1973) amended the law on French nationality; its provisions became applicable in overseas territories (art. 1, 21, 25, 30).
Law No. 72-1226 (1972) simplifying the Code of Criminal Procedure applies to overseas departments (art. 69), art. 1 and 2 with reservations.

The application of the maximum annual work hours in agriculture (art. 994 of the Labor Code) was regulated by Decree No. 72-922 (1972); in overseas departments, the control is vested in departmental labor directors (art. 8); Decree No. 72-985 (1972) amended various provisions of the Code; it repealed Decree No. 68-143 (1968) on health services and partially Law No. 54-13 (1954) dealing with employment of aliens. Further provisions in the Code have been amended by Laws No. 72-1168, No. 72-1169 (1972); the Code is also being recodified. Arrêté (December 13, 1972) increased certain risks in professional accidents and illnesses for overseas departments. Compulsory insurance against accidents and professional sickness of agricultural workers was introduced by Law No. 72-965 (1972) but does not apply to overseas departments (art. 18).

The Aviation Code (pt. 1) was amended by Law No. 72-1090 (1972), regarding art. L. 142-1, L.600-5, L.321-2; some penal provisions have been amended for overseas departments (L.150-12, L.150-17, and L.427-3). Amendments to the same Code dealing with policing and protecting airports (art. 213, 282, Law No. 73-10, 1973) apply also to overseas departments and territories (art. 5 and 6). The Code took effect in overseas territories (art. 5, 11).

Decree No. 73-78 (1973) regulating agricultural chambers shall apply to overseas departments (art. 69) by order of the Conseil d'État, providing for necessary adaptations; until then, present regulations obtain. Decree No. 73-89 (1973) extends metropolitan regulations on cattle breeding to overseas territories.

Allowances to handicapped adults have been raised by Decree No. 72-1.228 (1972); also minimum wages (Arrêté, October 31, 1972). Financing of sickness, invalidity and maternity benefits for farmers and members of their families in overseas departments is regulated by Decree No. 73-83 (1973).

A directive (December 23, 1972) makes Decree No. 67-27 (1967) regarding reserves required in financial institutions applicable to overseas departments.

The Convention of the European Economic Community on Judicial Jurisdiction and Enforcement of Civil and Commercial Decisions (Brus-
sels, 1968), ratified by Decree No. 73-63 (1973), applies also to overseas departments and territories (art. 60).

The Electoral Code (art. 85, 333, and 342) was amended by Law No. 73-2 (1973).

The French franc was introduced in Saint Pierre and Miquelon (Decree No. 72-1015, 1972).

GUATEMALA

The law on the judiciary (Decree No. 1.762, as amended by Decree No. 74, 1970, 3 Law. Am. 296, 1971) was again amended (Art. 142) by Decree No. 78 (1972). Amnesty was granted regarding certain rulings by the Tribunal de Cuentas (Decree No. 1-73, 1973).

Civil service salaries have been regulated by Decree No. 11-73 (1973).

Land reform in Petén conducted under Legislative Decree No. 38 (1972), as amended by Decree No. 48-72 (5 Law. Am. 71, 1973), has been implemented by a regulation.

Export of cotton seeds and their products will be controlled (Acuerdo, January 18, 1973).

Acuerdo No. 8 (1973) regulates registration and control of foods.

Another Acuerdo No. 82, (1973) established a Comisión Coordinadora Petrolera to study oil resources by the State; under Acuerdo of March 8, 1973, the State will take over oil resources in zones designated by the Ministry of Economy.

Decree No. 3-73 (1973) replacing Decree No. 362, has reorganized the administration of medical stamps in order to make their use more efficient. Under the new regime these stamps will have to be attached by members of the College of Physicians and Surgeons on all certificates they issue. The funds collected will be used for "socio-economic benefits" of its members (Art. 1). The necessary regulations will have to be approved by the University of San Marcos (Art. 5). Benefits from this fund may not be attached, except for alimony (Art. 6).

Decree No. 82-72 (1972) approved a loan from the International Coffee Organization from its fund for diversification (art. 1).
An agreement on technical agricultural cooperation with the Republic of China was approved (Decree No. 69-72, 1972); also the Vienna Convention on Consular Relations of 1963 (Decree No. 75-72, 1972).

HONDURAS

Under Decree-Law No. 8 (December 26, 1972) the new government has inaugurated a new phase of the agrarian reform aimed at incorporating peasants into the process of national development (Art. 1). Policies will be set by the Jefe de Estado assisted by a National Agrarian Council, and executed by the Instituto Nacional de Reforma Agraria (Art. 2). The latter shall take necessary measures within the next two years to provide peasants with sufficient land (Art. 3). In addition to measures already available under the agrarian reform law, the Institute may: temporarily grant peasants the use of public and communal lands; request owners to voluntarily, temporarily and free of charge allow such use of their lands; lease lands belonging to owners or possessors which, in the opinion of the Institute, are not properly cultivated. In these instances the Institute will pay as annual rent amounts not higher than 1% of the tax value of the land. The Institute may also guarantee to peasants the use of land which they work under any kind of contract; in case the rent is higher than the amount fixed above, the Institute may renegotiate the arrangement. Finally, the Institute may terminate such arrangements whenever the land involved was not improved as agreed in the arrangement (Art. 4). Property of land properly worked in compliance with its social function shall be protected by the State (Art. 6). Peasants, organized or not, may not occupy public, communal or private lands except under conditions set by the Institute (Art. 7). The State will provide peasants with necessary financial means from various available funds (Art. 8). The government and its subordinate agencies will support this emergency program (Art. 9). Against the decisions by the Institute amparo is available to the Supreme Court of Justice; however, it does not suspend the measures ordered (Art. 10).

Decree No. 10 (December 28, 1972) has established the Instituto Nacional de Formación Profesional (INFOP) designed to contribute toward increased productivity through a system of professional education of all segments of the economy, in accordance with development plans (Art. 2). The Institute will undertake surveys of human resources in need of professional competency; will undertake programs for such education, offer technical assistance, cooperate in adult reading courses
and in placement and employment (Art. 5). The organization of the Institute (Art. 6 to 14), its Consejo Directivo (Art. 15) the powers of the executive director (Art. 16), funding and pertinent controls (Art. 19 to 31) conclude the decree.

JAMAICA

The new Radio and Telegraph Control Act (No. 20, 1972) provides, among others, for a Radio and Telegraph Control Advisory Committee to assist the Minister in matters connected with radio and telegraph. For such installations a license is required (art. 5), subject to administrative regulations (art. 8). Control shall be exercised by inspectors (art. 11) with power of search and entry under a warrant granted by the justice of the peace (art. 12). Misleading messages, interceptions and disclosures are punishable (art. 13). In an emergency the government may take over such stations (art. 16).

The Medical Act (No. 22, 1972) provides for a Council (art. 4) to register medical practitioners, appoint examiners and ensure proper standards of the profession. Admitted practitioners are registered (sec. 6 to 9). The Council may, on specific grounds (sec. 10), suspend or otherwise discipline practitioners who retain the right of appeal a Medical Appeals Tribunal (sec. 11, 12). Certain offenses are punishable by the resident magistrate (sec. 13).

Amended were the Tourist Board Act (No. 19, 1972); the Road Traffic Act (No. 21, 1973); and the Tax Act (No. 23, 1972), abolishing the surtax (sec. 3) and amending sec. 12, 18, 19 F, 65, and 73 of the principal law (No. 59, 1954).

Jamaica has ratified the international Convention on the Elimination of all Forms of Racial Discrimination, signed at New York in 1965, and the INTELSAT agreement (1972); Jamaica also joined the Interamerican Institute of Agricultural Sciences.

MEXICO

The Law on the Register of Transfers of Technology and the Use and Exploitation of Patents and Trademarks (D.O. December 30, 1972) established a national register for such inscriptions to be administered by the Secretariat of Industry and Commerce, with a Council of Science and
Technology as an advisory body (art. 1). Subject to registry are concessions for the use and for the exploitation of trademarks and patents, including improvements, also of models and designs; for supplying technical know-how and basic engineering regarding installations and products, technical assistance, and administrative services and management of enterprises (art. 2). These documents must be filed by Mexicans or by Mexican legal entities, by aliens residing in Mexico, by foreign legal entities and foreign agencies and subsidiaries established in Mexico (art. 3). Registration may be denied for the following reasons: if the act involves technology freely available in the country; if the price is not commensurate with the acquired technology or causes undue burden on the national economy; or the agreement contains clauses allowing the supplier to manage or intervene in the management by the acquirer; or the acquirer is bound to assign the supplier patents, trademarks, innovations or improvements; when the agreement imposes limitations on research or technological development of the acquirer; or the latter is bound to acquire equipment, tools, spare parts or raw materials exclusively from the supplier; or the export of goods or services involved is prohibited or restricted; or the acquirer is bound to sell exclusively to the supplier; or the volume of production should be limited to prices fixed; or the acquirer has to sell or to be represented only through or by the supplier of technology; also in cases of excessive duration of such agreements; and finally whenever litigations arising from such agreements are to be submitted to foreign courts (art. 7). The following acts do not come within the coverage of this law: the entry of foreign technicians to install plants or machinery or to do repair work; the supply of designs, catalogues and similar assistance; assistance in repair or in emergencies; instruction or training and the operation of empresas maquiladoras (art. 9). Documents subject to registration (art. 2) which have not been registered remain without legal effect and consequently have no value in the courts; this applies also to registered acts which have been cancelled (art. 6). Parties which consider themselves to be (unjustly) affected by rulings of the Secretariat of Industry and Commerce may apply for reconsideration (art. 14).

The Law to Promote Mexican Investments and Regulate Foreign Investment (D.O. March 9, 1973, 5 Law. Am. 169, 1973) is designed to stimulate "a just and balanced development and strengthen the economic independence of the country" (art. 1). Foreign investments are defined (art. 2) as those made by foreign legal entities, aliens, foreign economic units without legal personality, and Mexican enterprises with majority
foreign capital or in which aliens, by whatever means, control the management. Foreign investments in the capital of the enterprises, in the acquisition of goods, and in operations covered by this particular law are also subject to its provisions. The law makes the Calvo Clause applicable to "assets of any kind" acquired by aliens in Mexico and in regard to these aliens agree to be treated as nationals and not to invoke diplomatic protection of their governments. Any violation of this obligation results in forfeiture of assets to the State (art. 2, para. 2). Economic resources and activities are, for the purposes of this law, divided into three classes; the first are those reserved exclusively to the State; the second are those reserved exclusively to Mexican and Mexican associations which exclude aliens from membership the third includes activities and enterprises which allow minority participation by foreign investors. The first group comprises activities relating to oil and other hydrocarbons; basic oil transformation; mining as determined by the respective law; electricity; railways; telegraph and radiotelegraphy, and others designated by law (art. 4, para. 1). To the second belong the following activities; radio and television; urban and interurban bus transportation as well as motor transportation of federal highways; air and maritime transportation; exploitation of forests; distribution of gas and other activities designated by law and regulations (art. 4, para. 2). The third group admitting foreign minority investments includes: exploitation and use of mineral resources, with foreign investments limited to 49 through 34% depending on the type of the concession; secondary oil products; manufacture of component parts for automobiles, and other activities designated by pertinent laws and regulations. Aliens with the status of immigrants are granted national treatment except when tied in with "centers of economic decision-making abroad." However, this privilege does not apply to areas and activities reserved exclusively to Mexicans or Mexican associations which exclude aliens or when the matter is regulated specifically (art. 6). Aliens, foreign associations and Mexican associations which do not exclude aliens, cannot acquire direct ownership of land or waters within 100 kilometers from the frontier and 50 kilometers from the coast, nor may foreign associations acquire ownership of land or waters or obtain concession for their exploitation. Only individual aliens may acquire such interests subject to a permit from the Secretariat of Foreign Relations (art. 7). The law requires a permit by the Secretariat in charge of the respective branch of the economy, whenever any party listed in art. 2 should acquire or lease 25% or more of the capital or more than 49% of fixed assets of an enterprise (art. 8). Similar authorization is required for acts leading to foreign acquisition of an enterprise, or for acts through
which foreign investment may control the management of the enterprise (art. 8, para. 2). An interministerial commission (Comisión Nacional de Inversiones Extranjeras) will provide general directives for the administration of the law (art. 12). Particular applications for investments by foreign interests will be handled by the pertinent Secretariat (art. 15), taking into account its effect on domestic investment, domestic enterprises, balance of payments, exports, employment, technicians and management personnel, components of finished products, foreign financing investment sources, economic integration, development of under developed zones, monopolistic practices, capital structures, technological contributions, prices and quality of products, regard for social and cultural values, importance of activity vis-à-vis the national economy, the identification of the foreign investor with the interests of Mexico and his tie-in with foreign decision making entities in the economic area, and finally the extent to which the investment contributes and identifies with national development policies (art. 13). Chapter IV of the law, in essence, adopted arrangements available for trusts of land along the frontier and the coast (art. 18 to 21, 3 Law. Am. 549, 1971). A national register of foreign investments will be established in the Secretariat of Industry and Commerce to include a list of aliens and foreign entities whose investments are subject to this law; of Mexican associations with foreign investments in the sense of art. 2; of trusts with foreign participation; of shares (títulos) representative of capital owned by aliens or used as guarantees, and of the resolutions issued by the National Commission (art. 23). Shares representing the capital of the enterprises will be nominative when so specified by particular laws and regulation, or by resolution of the National Commission; also, when owned by persons listed in art. 2. Bearer shares may not be acquired by aliens without approval of the National Commission; in any case, they will be converted into nominative shares (art. 25).

A new election law was promulgated (D.O. January 5, 1973), replacing the law enacted in 1951.

A number of federal enactments have been amended, among them the federal law regarding workers in state employment (D.O. December 28, 1972); the Institute of Security and Social Services for the same; the law of social security for the armed forces (id.); the law of general means of transportation (D.O. December 30, 1972), and the law on industrial property (D.O. January 4, 1973).

The Civil Code for the federal district and territories was amended (D.O. January 4, 1973) in art. 951 dealing with condominium type
property. A new law regulating condominium property in the federal district and territories was enacted (D.O. December 28, 1972) replacing the previous law enacted in 1954.

Mexico adopted the agreement on INTELSAT and the annex, signed at Washington in 1971 (D.O. December 11, 1972), and aviation conventions with the Netherlands signed at Mexico in 1971 (D.O. December 26, 1972) and with Japan, signed at Tokyo in 1972 (D.O. December 26, 1972).

NICARAGUA

Following the earthquake on December 23, 1972, a state of emergency was decreed and a number of laws passed to alleviate the situation, among them, a law imposing a 10% export tax on value FOB Nicaraguan port on main exports, among such as cotton, coffee, rice, wood and others. This tax will be paid by the exporter and consequently affect the price of exported goods. Another decree prohibits the administration to grant exemptions from export tariffs. Rents have been frozen.

A new Ministry of National Reconstruction has been established outranking all others, including the Presidency.

The work week was lengthened from 40 to 60 hours and compulsory days of rest restricted to five.

Finally, a new building law was enacted, modelled after a law in force in California, applicable to the recent earthquake in zone 3.

PARAGUAY

Law No. 388 (1972) regulates employment in agriculture, animal husbandry, forestry and similar occupations.

Law No. 357 (1972) is designed to combat traffic in narcotics and also provides aid to addicts. An agreement with the United States, dated October 26, 1972, established cooperation in the fight against traffic in narcotics.

Decree No. 28.482 of the Ministry of Public Works and Communications (1972) provides that engineering and construction work, both public and private, shall be performed by domestic enterprises.
A regulation to the Law establishing the Banco de Ahorro y Préstamo para la Vivienda (No. 325) and the related national plan was issued by decree (Ministry of Finance, No. 29.721, 1972); also implemented by a regulation (Ministry of Agriculture, No. 27.384, 1972) was the law on cooperatives (No. 349, 1972). The same Ministry issued a decree (No. 28.657, 1972) prohibiting certain insecticides to be used on tobacco.

Among treaties, the agreement with Switzerland (Law No. 358, 1972) regarding a gift of wheat in connection with the technical cooperation between the two countries is worthy of mention.

PERU

A law to "establish an agrarian order which guarantees social justice and increases production and productivity" by decentralizing public services in this area and bringing these closer to the people was enacted. This Organic Law of the Agrarian Sector (Decree-Law No. 19.608, 1972) deals mainly with the organization of the Ministry and with decentralized organizations, namely the Public Enterprise of Agrarian Services, the Institute of Agro-Industrial Research, the National Center of Agrarian Reform, and the National Office for Nutritional Aid (art. 35).

In the area of commercial law the following enactments may be mentioned. Decree-Law No. 19.893 (1973) established the commercial register for the inscription of individuals and legal entities engaged in business (art. 2) by dealing in goods (art. 3) or services (art. 4). Exempt are health, education, transportation and communications, economy, finance, energy and mines in addition to professional and religious activities (art. 5). Art. 131 of the Mercantile Associations Law (No. 16.123), dealing with proxies for general assemblies has been amended (Decree-Law No. 19.629, 1973). The functions of the Comisión Nacional de Valores (now Comisión Nacional Supervisora de Empresas y Valores) have been expanded (Decree-Law No. 19.648, 1972) to include control of legal entities regulated by the Mercantile Associations Law. This decree-law was implemented by a regulation (Resolution CNSEV No. 000-73-EF/94, 1973).

A Fondo de Exportaciones no Tradicionales has been set up in the Industrial Bank (Decree-Law No. 19.625, 1972). The law providing for export insurance (Decree-Law No. 19.568, 1972) has been implemented by a regulation (Supreme Decree No. 284-72-EF, 1972).
The Government will issue bearer bonds in the amount of six billion soles-gold (Decree-Law No. 19.930, 1973) in order to mobilize domestic savings, primarily for public works. Capital held by insurance enterprises shall be invested (Decree-Law No. 19.854, 1972) according to the following directives: no less than 40% in immovables; no less than 20% in public investment bonds; no less than 10% in other public issues; no more than 10% in values selected by the enterprise; the remaining amounts in shares available on the stock exchange (art. 1).

Prices for goods and services have been frozen by Decree-Law No. 19.885 (1973). Violations will be punished by fines, by imprisonment up to five years, coupled with inability to engage in commercial or industrial activities for at least five years, by closing the business for no less than two years, and in regard to aliens with expulsion after they have completed their penalties (art. 5).

Some deadlines imposed upon foreign enterprises have been extended (Decree-Law No. 19.868, 1972); art. 3 of this enactment was subsequently repealed (Decree-Law No. 19.883, 1973).

Travel documents for resident aliens are now regulated by Decree-Law No. 19.897 (1973); foreign performers by Decree-Law No. 19.058 (1972), as implemented by a regulation (Supreme Decree No. 09-72-ED, 1972).

Private institutions engaged in international cooperative efforts will be registered (Supreme Resolution No. 0102-73-RE, 1973).

Members of professional organizations shall introduce secret, general direct and compulsory voting (Decree-Law No. 19.837, 1972). Failure to vote shall be punished by suspension from professional activities for six months (art. 2).

Decree-Law No. 19.609 (1972) regarding duties of public health institutions in emergencies has been implemented (Supreme Decree No. 0023-73-SA, 1973).

A commission has been established to prepare a draft for labor in cooperatives (Supreme Resolution No. 042-73-TR, 1973).

Decree-Law No. 19.852 (1972) approved Decision No. 51 of the Cartagena Commission dealing with tariff terminology; also an additional agreement for credits from Hungary (Decree-Law No. 19.628, 1972).

Supreme Decree No. 061-72-EM/DS (1972) provides for exploration of the atmosphere and of space.
TRINIDAD AND TOBAGO

The Industrial Relations Act (1972, 5 Law. Am. 84, 1973) has been amended (Act No. 42, 1972); affected are sec. 34 (para. 3), 85 (para. 5), and 86.

UNITED STATES

The administration has submitted to Congress a draft bill to define immunity due to foreign states from judicial jurisdiction and execution (1973). In essence, the bill maintains the distinction between acts jure imperii and acts jure gestionis, the latter available since 1952 as a reason to deny immunity. The bill will transfer the issue as to whether a foreign state is or is not entitled to immunity in regard to a particular claim from the Department of State to the courts (§ 1602), thus making it a justifiable issue. The notion of commercial activity is defined (§ 1603, b). In addition to this ground for denial of immunity (§ 1605, para. 2) which still remains a general rule (§ 1604), immunity may be waived (§ 1605, para. 2) or it may be denied in the following instances: when interests in property taken in violation of international law are litigated and such property (or one exchanged for it) is present within this country "in connection with a commercial activity carried on in the United States by the foreign state", or if such property is owned or operated there by an agency or instrumentality of a foreign state in conjunction with their commercial activity (§ 1605, para. 3); also if property located in the United States and acquired by succession or gift or if rights in immovable property situated in this country are in issue (§ 1605, para. 4); finally, in case that monetary damages are sought from a foreign state for personal injury or death or damages to property caused by a negligent or wrongful act or omission committed in this country by the foreign official or employee (§ 1605, para. 5). Special provisions apply in connection with public debts (§ 1606). Counterclaims are allowed (§ 1607). Service shall be on the ambassador or chief of the respective mission with two copies to the Department of State (§ 1608). Assets belonging to foreign states are exempt from execution, except in cases listed in § 1610; moreover, certain assets are generally exempt (§ 1611). Following these provisions constituting a new chapter (97) in the United States Code, the bill provides jurisdictional rules to be inserted in title 28 of the Code. They vest jurisdiction in federal district courts (§ 1330) with venue designated under new sub-paragraph (f) of
sec. 1391 of the Code. State courts have concurrent jurisdiction (subject to federal rules regarding immunity), but such actions may be transferred to federal courts (sec. 1441, d).


URUGUAY

Law No. 14.068 (1972, 5 Law. Am. 92, 1973) is characteristic of an attempt by a democratic policy to cope with a militant revolutionary movement. The law consists of two parts: one part containing amendments (art. 1 to 15) to the Military (Criminal) Code, and the other, amending art. 16 to 34 of the general Criminal Code. The Military Code, applicable in certain situations to civilians, deals with attacks against the integrity of the national territory, the independence and the unity of the State, with military service in behalf of a foreign country at war with Uruguay, with betrayal of secrets, and direct attacks on the constitution in order to change it or the form of government by means not permitted under domestic constitutional law (art. 60, I). Punishable also are acts which expose Uruguay to war or to undergo retaliations; treasonable machinations of an official in dealing with foreign governments and others (art. 60, II). In all these crimes even negligence suffices (art. 60, III). Membership in subversive organizations which intend to change by direct acts the constitution or the form of government by means not permitted by law (art. IV), support of such organizations (art. 60, IV) or support of their members (art. 60, VII) are punishable. Membership in organizations designed to replace public authorities in matters of criminal prosecution is punishable, as is any assistance to them or assistance to their members (art. 60, VIII to X). Special aggravating circumstances apply (art. 60, XI), namely the use of arms; membership of more than ten persons; being a leader; public service on the part of the violator; and motivation of hate or vengeance (art. 60, XI). The previous penalty for rebellion (art. 141 of the Criminal Code, and following) namely exile, was changed to imprisonment (art. 1). Among amendments to the Criminal Code the following may be mentioned. Attempts against the chiefs of foreign States (art. 138) and against the President of the Republic (art. 140) are punishable according to art. 138 and 140. Punishable also is public instigation to criminal acts (art. 147); justification (apología) of criminal acts (art. 148), and membership in
associations designed for criminal activities (art. 150). Aggravating circumstances are use of arms, membership of more than ten persons, or being a leader (art. 151). Improper activities of public servants (art. 160, 161) are punishable as are attempts to suppress the status (identity) of a person (art. 258) or creation of a fraudulent personality (art. 259). The above delicts are particularly significant in cases of change of identities of revolutionaries going "underground" or returning therefrom. Additional provisions deal with sexual crimes (art. 259, 279) which, in most cases, will be prosecuted only on demand; the same applies to negligent bodily injuries (art. 322). Amended provisions apply to robbery (art. 344); also to neglect of economic duties by the father (art. 279-A, B). Extensive provisions deal with crimes committed by the press, among them spreading of false news, depreciation of the nation, state or authorities, or defense of persons sought by the authorities. Crimes of defamation or insult will always be punished by imprisonment and the fact that they appeared in print shall be considered as an aggravating circumstance (art. 29), to be prosecuted on demand (art. 31). Final provisions deal, among others, with the relations between proceedings before military and ordinary criminal courts.

The Council of Ministers has again suspended constitutional guarantees (Decree No. 655, 1972).

A National Council of Education was established (Law No. 14.101, 1973), accompanied by a plan to prepare a comprehensive and coherent educational system.

The Council of Ministers promulgated an extensive modification of the existing tax system (Law No. 14.100, 1973), covering changes in income taxation, capital and sales taxes, and others.

Uruguay recently approved two treaties: a treaty for cultural scientific and technical cooperation with France (Law No. 14.087, 1973), and with Israel a treaty for the peaceful use of atomic energy (Law No. 14.091, 1973).

VENEZUELA

The Capital Market Law (G. O. No. 1.566, 1973) regulates public offerings of shares. A Comisión Nacional de Valores, (art. 1), attached to the Ministry of Finance (art. 2), shall perform functions as listed in art. 10. A national register of shares will be established (art. 14) and
includes all documents subject to the law (art. 14). The Comisión will control public offerings of shares (art. 17) by requiring information (art. 20) and then will approve or deny the application. Particular provisions apply to bonds (obligaciones), nominative or bearer (art. 26), and issued by prospectuses which must contain required information (art. 28). Special rules apply to convertible shares (art. 31 to 35) whose holders are provided with a statutory organization (art. 36 to 44). In addition to shares, the Comisión controls corporations and other associations, including mutual funds, stock exchanges and others (art. 46). Corporations are divided into those with authorized capital (art. 48 to 55) and those termed de capital abierto, the latter meeting the following requirements: to be registered in the national register; to have paid in capital of at least one million bolivares, and no less than 50% of the capital is in the hands of at least fifty shareholders for each million of the capital and each shareholder holds at least 1,000 bolivares of the capital while no shareholder of this group (holding 50%) may control more than 10% of this capital (art. 56). For each of these types different rules apply. Mutual funds (art. 62) are defined as corporations investing in shares without ever exercising majority control. Legal entities not domiciled in Venezuela may not hold shares in such corporations (art. 62). Mutual corporate funds may not hold more than 5% of the capital in any enterprise, maintain more than 10% of their capital in the same enterprise, or acquire more than 10% of convertible bonds issued by one enterprise (art. 64, para. 4). Mutual funds may not invest proceeds of their shares directly but only through a managing company (art. 66). These cannot service more than one corporation at one time if their plans of offering to the public are identical or of the same type (art. 72). For their work managing corporations receive reasonable fees (art. 73). Stock exchanges are organized as corporations (art. 78) and perform functions listed in the law (art. 81). Associations offering their shares to the public may appoint transfer agents (art. 104). In regard to treasury shares, the law has extensive provisions. In principle, corporations may acquire their own shares only upon authorization of their assemblies, or with undistributed profits, if shares are completely paid (art. 117), or if the capital is to be reduced (art. 119). Such shares do not partake in profits or claim a share of assets in case of liquidation nor do they give voting rights (art. 121). Particular provisions protect rights of minority shareholders (art. 123 to 128). Some tax incentives are available, for example, for corporations which reinvest all of their profits in shares of similar associations (art. 129). The final title deals with administrative penalties (art. 136 to 147); there are also criminal sanctions (up to six years
imprisonment) for fraudulent machinations listed in art. 148 to 150 and 154.

The Law on Chattel Mortgages (hipotecas mobiliarias) and pledges without dispossession (prenda sin desplazamiento de posesión) regulates (G. O. No. 1.570, 1973), as indicated in the title, two kinds of security arrangements distinguishable by the asset used. A chattel mortgage may be constituted on business establishments or their assets (fondos de comercio), various types of motorcars, aircraft, industrial machinery, and copyrights and patents (art. 20). Pledge, on the other hand, may be constituted on fruit and crops, animals, products of forests, agricultural machinery and merchandise, products and raw materials warehoused (art. 51). Security arrangements of either kind may only be established in favor of creditors listed in the law (art. 18): the Nation, the States, municipal governments, the Banco Central, and autonomous institutes and public enterprises; foreign banks and international financial institutions authorized by the Superintendencia de Bancos; domestic banks and other credit institutions supervised by the Superintendencia; insurance companies; business associations authorized for such transactions by the Superintendencia, and other persons and legal entities so authorized by the competent Ministry. The law contains provisions applicable to both types of security arrangements (art. 1 to 18, 67 to 68, and art. 78 to 86, the latter regulating the register). The arrangement must be executed in the form of a public, authenticated or acknowledged document and properly filed (art. 4). The arrangement includes also proceeds of insurance (art. 7). The debtor may use the pledged asset according to the standard of a buen padre de familia (art. 8). Debts to be secured may cover current loan accounts (art. 11), negotiable instruments (art. 12), periodical payments (art. 13), and future obligations (art. 14). The secured debt may be alienated or otherwise transferred (art. 15). The title on chattel mortgages contains detailed provisions on mortgages involving business establishments (art. 25 to 34), motorcars (art. 35 to 38), aircraft (art. 39 to 41) maintaining in force art. 63 of the Aviation Law (2 Law. Am. 154, 1970), dealing with preferred claims; industrial machinery (art. 42 to 44), and copyrights and patents (art. 45 to 49). The section on pledge deals with arrangements in agriculture (art. 51 to 66). Procedural rules are contained in art. 67 to 77.

Amended were the law on identification (G. O. No. 29.998, 1973) and the election law (G. O. No. 1.564, 1973) which allows resident aliens to vote in municipal elections (art. 61).
A fund for the study of problems relating to oil and for the professional education of personnel employed in this industry is regulated by law (G. O. No. 30.017, 1973).

A resolution of the Ministry of Defense prohibits taking photographs from the air without permission (G. O. No. 29.995, 1972).

Two decrees (No. 1.170 and 1.171, G. O. No. 1.561, 1972) deal with documentation required for imports and the value of goods in tariff matters.

Agreements with Sweden and Spain for radio amateurs (G. O. No. 30.008, 1973 and No. 30.019) with Canada on commercial relations (G. O. No. 30.015, 1973), has been ratified.

The agreement regarding the Latin American Center for Development (CLAD), signed in Caracas in 1972, was ratified (G. O. No. 29.989, 1972).

The present session of the national Legislature faces a heavy load of important bills, particularly since in this election year the session will be shortened. Some of the bills have completed part of their legislative procedure in the previous session. Among them the law on tourism, on the domestic oil market, on development of exports incentives, and on investments in housing. Newly introduced bills came mostly from the administration. The Ministry of Justice sponsors bills on the judicial police, on a partial reform of the public register and of the Criminal Code, as well as of the Code of Criminal Procedure. The Ministry of Foreign Relations submitted drafts to ratify a number of multilateral conventions; the Ministry of Transportation submitted drafts dealing with transportation by land and with the development of the merchant marine; the Ministry of Mining and Oil a law to establish the Venezuelan Mining Corporation, and the Ministry for Public Works a draft for a Ministry of Housing and Urban Development, and another on urban and suburban parks. Some bills have been submitted by members of the Legislature, among them bills on stability of employment and on the organization of the federal district. A law to reform the Labor Code is under discussion.

This report summarizes a select number of statutory enactments and other developments. Therefore, no decision should be made without consulting the complete texts and related materials. Moreover, consultation with a competent local attorney is recommended.