Inter-American Legal Developments

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ARGENTINA

A far reaching reorganization of the Ministries was initiated by Law No. 18.146 (1969) generally, and of the Ministry of Justice in particular, under Law No. 18.147 (1969). There will be eight ministries with corresponding departments (Secretarías), namely: Ministry of the Interior; Ministry of Foreign Relations and Cult (Ecclesiastical Affairs); Ministry of Economy and Labor with departments of Agriculture, Finance, Industry and Domestic Commerce, Foreign Commerce, Labor, and Mining; Ministry of Public Works and Services with departments of Public Works and Transportation, Energy, Communications, and Water Resources; Ministry of Social Welfare with departments of Promotion and Assistance to Communities, Social Security, Public Health, and Housing; Ministry of Defense; Ministry of Culture and Education; and Ministry of Justice. It is significant that the latter Ministry is not included — as usual — in the Cabinet, but is subordinated directly to the President of the Republic.

Law No. 18.425 (1969) and a companion regulation (No. 7.076) authorize certain modern organizations for the marketing of food. Included are supermarkets, certain types of wholesalers, self service stores, chain stores, packers, and purchase centers. The law provides for incentives such as tax privileges, but also enumerates penalties for improper dealing, for example, loss of license to operate. Implementing regulations have been enacted in some provinces, e.g. Corrientes which has promulgated Law No. 2.852 and Decree No. 1.128 (1969).

A new law regulating personal names was enacted as Law No. 18.248 (1969). According to this law every person has the right and duty to use a name consisting of the first (Christian) and the last (family) name. The first name is acquired at the time the birth is officially recorded [inscribed in the certificate] and is chosen by the father or, in his absence, by the mother; in the absence of both, by the guardian or by competent officials. The choice of first names is free, subject to the following conditions; names must not be extravagant, ridiculous or contrary to domestic customs, nor express political or
ideological tendencies, nor be misleading regarding the person's sex. Foreign names may not be used, except those adopted in Spanish by usage or which represent names used by the father, provided, however, they are easy to pronounce and need no translation into Spanish. Prohibited as first names are last (family) names as well as first names of living brothers, and more than three first names. The last (family) name is to be taken from the father, but on request the family name of the mother may be added. Special provisions apply to illegitimate and adopted children. Aliens may, at the time of naturalization, petition that their names be adapted to Spanish. A married woman adds the name of her husband preceded by *de*. In case of divorce, the wife may or may not retain the name of her husband; for sufficient cause the court may deny the wife the use of her husband's name. Similarly, a widow may request the Civil Registrar to eliminate her late husband's name.

Registration of mortgages involving housing credits from the National Mortgage Bank was facilitated by Law No. 18.307 (1969).

A new law regulating sports, Law No. 18.247 (1969), provides for imprisonment from one month to three years for anyone who "fixes" sport events or administers stimulants to competing persons or animals.

A new code regulating food has been enacted by Law No. 18.284 (1969).

Fishing by alien vessels in Argentine territorial waters has been regulated by a ministerial *disposición* of May 26, 1969 (B.O. July 1, 1969).

A ministerial *resolución*, No. 189, (B.O. July 17, 1969), regulates the issuance of permits for exploration and exploitation of oil resources. Law No. 18.274 (1969) has granted to the Dirección General de Fabricaciones Militares certain reserved mining zones.

In order to protect the national merchant marine, the Government has reorganized the operation of ports, modernized the law applicable to seamen, and sought to increase the efficiency of the domestic shipbuilding industry. In pursuance of this policy, Law No. 18.250 (1969) provides that all imports by sea consigned to federal or state authorities, or to provinces or municipalities must be carried in Argentine vessels, or by vessels chartered by domestic carriers, provided the operation has been approved by the competent authorities. In any case, Argentine vessels shall always be given preference. In regard to exports, the law provides that measures shall be taken to insure a greater participation
by the Argentine merchant marine. The law was implemented by Decree No. 5.030 (1969).

The present law regulating military service was implemented by Decree No. 6.701 (1969).

The administration of maritime affairs, previously entrusted to the Prefectura Nacional Maritima (Law No. 3.445 and Decree No. 15.615, 1957) has been reorganized as the Prefectura Naval Argentina under Law No. 18.399 (1969). Through the Prefectura, the Commander-in-Chief of the Armed Forces will administer navigational matters, including security, and will exercise exclusive administrative jurisdiction over the waters, lakes and other navigable waters of the nation, including ports. His authority extends to acts within Argentine waters as well as to acts taking place on Argentine vessels on high seas; when in foreign ports, the authority extends to the security of navigation and encompasses authority over all matters not reserved to local governments under international law.


A conflict of long standing between the national government and the provinces involving federal jurisdiction over lands acquired by the federal government from the provinces has been settled by Law No. 18.301 (1969). Federal authority will now be exercised without limitations only where the province has definitely relinquished its interests in the land or where the acquisition of land was for national defense. In all other instances, e.g., for harbors, public services, federal authority may only be exercised when justified by the federal constitution or statute.

Law No. 18.338 (1969) established a schedule for leaves of absence. Employees may be absent from work in case of the birth of a child for two days; and for their wedding, ten days. A minimum period of vacation of twelve days was also introduced for all employees with less than five years of seniority.

Decree No. 4271 (1969) revises the national policy concerning the domestic petrochemical industry.

Buenos Aires

Decree No. 27 (1969) regulating tourism was enacted. The national Code of Civil and Commercial Procedure, Law No. 17.454 (1968), was adopted by Law No. 751 (1969) with necessary modifications.

The Law on Industrial Development of 1968 was implemented by Decree No. 1.036 (1969).

Trade in consumers' milk was regulated by Decree No. 41061 (1969).

The provincial tax law (No. 4.781) was implemented by Decree No. 2.491 (1969).

Homestead was introduced by Law No. 505 (1969), exempting such property, both urban and agricultural and family owned, from taxation and forced sale.

Tax privileges have been granted to international tourist hotels by Decree No. 1.764 (1969).

Decree No. 27 (1969) regulates tourism.

The scope of _amparo_ available under Art. 17 of the provincial constitution has been restricted by Law No. 6.530 (1969).

Law No. 3.503 (1969) was enacted to regulate economic development.

Barbados has adopted the Convention on Service of Judicial and Extra-judicial Documents in Civil or Commercial Matters (The Hague, 1965). The United States has ratified this Convention.
The Legislature has recently adopted a Sanitation and Cemeteries Board Act (1969-36); a national Assistance Act (1969-37) providing money or non-medical assistance in kind, including old-age pensions and burial, to needy persons; a Health Service Act (1969-38); a Judges' Remuneration and Pensions Act (1969-39); an Industrial Development (Export Industries) Bill (1969-43); a Coroners Act (1969-44); and a Child's Care Board Act (1969-46) providing for the maintenance of juvenile institutions and providing for their financial needs.

The House of Assembly has adopted a government bill to require registration of real estate agents.

A recent law changed the number of voting constituencies from twelve to twenty-four without increasing the number of seats in the House. Additional innovations are under consideration, among them, minimum wages for all classes of workers; a revision of civil service salaries every three years; and the abolishment of the principle of primogeniture to enable all children to share equally in their father's estate.

BOLIVIA

A new civil aviation code is under consideration.

Government agencies and state operated companies must place their insurance contracts with domestic insurance companies or with local agencies of foreign insurance companies on a competitive basis under Law No. 0425 (1968).

BRAZIL

The new constitution enacted by the military government is characterized by extensive powers granted to the executive. Compared with the constitution enacted in 1967, the following changes are significant: the executive retains the power under Institutional Act No. 5 (1968) to dissolve the Congress and to assume its legislative authority; the two-party system instituted after the military take-over in 1964, may be replaced by a multi-party system; the death penalty is provided for subversive activities; the government is given additional authority to combat administrative corruption; parliamentary immunity is limited; ownership of land is open only to nationals or resident aliens; expropriation of land is to be paid by government bonds.

Land reform legislation, regulated by Institutional Act No. 9 (1969) and implemented by Decree Law No. 554 (1969), permits expropriation
of land for just compensation in bonds payable over a period of 20 years. These bonds may be used for payments of taxes on land (up to 50%). The operation of the Brazilian Agrarian Reform Institute (IBRA) and the Institute of Agrarian Development (INDA) are regulated by Decree Law No. 582 (1969).

The Mining Code, Decree Law No. 227 (1967), was amended by Decree No. 64.590 (1969). Decree No. 67.934 (1969) deals with mining companies and foreign participation therein. Prospecting in inland and territorial waters, as well as in the continental shelf is regulated by Decree No. 63.164 (1968).

Foreign loans must be filed for approval with the Central Bank under Resolution No. 125 (1969), implemented by Regulation No. 10 (1969). The objective is to prevent short-term foreign loans from upsetting the balance of payments.

The stock market has recently been regulated by a number of decree laws, among them, Decree Law No. 401 (1969) granting companies a deduction for maintaining their own capital, as well as tax benefits regarding dividends; Decree Law No. 403 (1969) granted tax benefits of twelve per cent to investments in certain investment funds; Decree Law No. 614 (1969) exempted income from capitalized reserves and undistributed profits; Decree Law No. 427 (1969) provides for withholding of tax at the source and for the registration of promissory notes and commercial papers in order to avoid loan-shark operations. The latter decree was implemented by Decree No. 64.156 (1969).

Rules affecting gold clauses in private contracts have recently been amended and consolidated. In principle, such clauses are null and void when included in contracts, bonds and other commercial obligations to be performed in Brazil. However, this rule does not apply to financing and guarantee contracts related to import and export transactions, or sales on foreign markets and purchase; to sale of foreign currency; and to contracts of a party residing abroad, except leases of property situated in Brazil. These exceptions apply also in cases where such transactions are assigned or otherwise transferred to Brazilian residents. Validity of leases payable in foreign currencies must be approved by the Central Bank. In case a contract containing a gold clause is rescinded by a court or by private agreement, payments due must comply with exchange controls in force.

Procedures and liabilities of warehouses in ports are now regulated by Decree No. 64.387 (1969).
Institutional Act No. 6 (1969) has reduced the number of justices of the Supreme Court from 16 to 11; changes also have been made regarding its jurisdiction, as well as the jurisdiction of military courts.

The status of aliens was recently affected by a number of enactments, among them, Decree Law No. 417 (1969) implemented by Decree Law No. 494 (1969) providing for deportation for offenses against the national security, public morality or order, for fraudulent entry, or for violation of restrictions imposed upon aliens. Non-resident aliens and foreign corporations are, under Act No. 45 (1969), prevented from acquiring agricultural land in Brazil; the same prohibition applies to Brazilian corporations in which a majority of capital is held by non-resident aliens. Transfer of land by inheritance is not affected, nor is present ownership.

Brazilian territorial waters have been extended to 12 miles from the low-water mark by Decree No. 559 (1969).

In September, 1969, the government published a new national security law extending the death penalty to fifteen acts of violence; control over the press was also tightened.

A decree dated October 27, 1969 imposed on individuals and corporations a duty to report to the Central Bank all assets held abroad and to explain the resources used for their acquisition. The measure is designed to defend the domestic financial situation and national security, as well as the control of clandestine operations. Failure to comply may be classified as unjust enrichment punishable by imprisonment and confiscation.

A new patent law has been signed amounting to a complete revision of the former regulation.

The existing jury system is about to be changed. The government has introduced a bill authorizing the presiding judge to set aside a verdict in cases where the verdict is "patently wrong and contrary to the public interest".

BRITISH WEST INDIES

Bahamas

Recently, the following significant laws were enacted: Mental Health Act (No. 16, 1969), with Regulations; Gaming Machines (Amendment) Act (No. 22, 1969); Immigration (General) Regulations (No. 47, 1969) implementing the Immigration Act (No. 25, 1967) dealing mainly with
residence and work permits. The Act for Taxation of Real Property and for Matters Incidental Thereto (No. 23, 1969) is discussed elsewhere in this issue. Amended were the Emergency Tax Law (No. 25, 1969); the Tariff Act (No. 26, 1969), and the Police Act of 1965 (No. 27, 1969).

Montserrat

A bill patterned after a Jamaican law is about to be presented to the Legislature requiring work permits for all aliens.

St. Christopher

The Betting and Gambling Act recently enacted legalized gambling.

St. Lucia

Due to recent disturbances, the Government introduced a bill to regulate the hours when public meetings may be held as well as the use of loudspeakers. Generally, public meetings require a permit issued by the Chief of Police.

CANADA

A number of acts have been assented to, among them, acts prohibiting the advertising, sale and importation of hazardous products; the regulation of products used for pest control; and an act concerning the National Library. Further acts have been assented to incorporating various corporations and companies. Acts amending existing legislation deal with patents, food and drugs, navigable waters protection, criminal law, income tax and housing.

Alberta

Recently enacted and assented to acts deal with evidence, colleges, health insurance premiums, tobacco tax, utility companies income tax rebates, and criminal injuries compensation.

British Columbia


Manitoba

The Financial Administration Act (1969) entered into force as did the amendment to the Motive Fuel Tax Law.
New Brunswick

Among acts passed during the recent legislative session the following have been assented to by the Queen: Civil Service Act; Condominium Property Act; Fatal Accidents Act; Industrial Training and Certification Act; Mental Health Act; Official Languages Act; Plant Diseases Act; Poto Industry Act; Provincial Court Act; Provincial Loans Act; Trade Schools Act; and the Weed Control Act. The Survival of Actions Act (1969) provides that all actions survive except claims arising from adultery, seduction or inducing one spouse to leave or remain apart from the other. A number of acts have been amended, among them, those dealing with bills of sale; corrections; credit unions; expropriation; highways; minimum wages; mining income tax; municipalities; housing; oil and natural gas; ombudsman; parks; poor prisoners' defense; and workmen's compensation.

Newfoundland

Recent legislative actions dealt with the Department of Education; teachers' pensions; fish inspection; prisons; schools and colleges; departmental finances; pensions of broadcasting employees; and social assistance.

Nova Scotia

In addition to amendments to the Halifax City Charter of 1931, a Blind Persons Allowance Act entered into force.

Ontario

Amendments to a number of acts took effect, among them, land titles; registry; corporations; fire marshals; and insurance. New legislation deals with the Department of Correctional Services, and the marketing of freshwater fish.

Prince Albert Island

Acts assented to deal with the Land Development Corporation; the Lending Authority; and the marketing of natural products. The act dealing with credit unions was amended.

Quebec

The law regulating adoption was completely revised. The Health Insurance Board Act (1969) provides for setting up a health insurance plan for everyone, financed by public means. The Attorney-General's
Prosecutors Act (1969) provides for appointments and jurisdiction. An act to promote agricultural exploitations provides for financing of young farmers and expansions of farms. The Farm Improvement Act was amended to increase available loans and to favor farmers' corporations and partnerships, including farmers who lease land. The Probation and Houses of Detention Act contains new rules regarding probation and provides that the administration of correctional institutions is no longer to be in charge of sheriffs. An amendment to the Police Act authorizes a policeman to arrest without a warrant whenever a person violates a municipal ordinance dealing, not only with public order but also with health and safety.

Other acts amending existing legislation deal with hotels; the Superior Council of Education; professional matriculation; usurpation of the office of mayor or municipal councillor; cities and towns; municipal code; courts of justice; civil service pensions; education; and the labor code.

Saskatchewan

The Labor Standards Act of 1969 took effect, and the Trade Union Act was amended.

CHILE

Chile adopted the Andean Regional Pact by Decree No. 428 (D.O. August 27, 1969). It also adopted a convention with Argentina, Brazil and Uruguay regarding land transportation (Decree No. 512, D.O. November 12, 1969).

In matters of expropriation, two decrees have been issued: one involving forests not subject to expropriation (Decree No. 275, D.O. August 16, 1969), and the other approving regulation of payments for expropriations (Decree No. 880, D.O. October 17, 1969).

Regulations involving transfer abroad of payments received in foreign transportation for passenger tickets and other services appear in D.O. of October 31, 1969.

COLOMBIA

The present Code of Civil Procedure (Codigo Judicial) enacted in 1931 which was subsequently amended by Decree No. 526 (1964) and by Law No. 16 (1968), and implemented by various regulations, will be replaced by a new code to be enacted by the President pursuant to Law No. 4 (1969). The code is subject to a revision by a commis-
sion of experts composed of four senators and four representatives appointed by the respective chambers of the Legislature.

A new draft for a Commercial and Navigation Code, including aviation, is being prepared. A final draft is expected to be ready in 1970.

The Legislature is considering a law submitted by the Government dealing with problems of urban housing. To alleviate the housing crisis, the Government seeks to increase construction through tax benefits and favorable loans. Expropriations with indemnity are foreseen.

In view of the increases in minimum wages, the duty imposed on the employer to furnish low paid workers with shoes and overalls became ineffective. Law No. 3 (1969) now provides that an employer who regularly employs one or more permanent workers shall furnish the employee(s) with one pair of shoes and one suit of work clothes free of charge every four months, provided the worker’s wage is below 600 pesos monthly.

Law No. 8 of 1969 authorized the President to revise the laws dealing with notaries; the registry of public and private documents; the land register (catastro); the register of civil personal status, motor cars, and traffic regulation and police.

Travel agencies must obtain a permit under Resolución No. 388 (1969), Corporación Nacional de Turismo.

A July, 1969 decree reserved at least 50% of general commercial cargo for transport by Colombian flag ships. The Foreign Trade Institute will implement the shipping reservations by stamping certain import or export licences for transport by Colombian ships.

COSTA RICA

An agreement between Costa Rica and the Regional Center for School Construction for Latin America to prepare plans for school construction and promote the related industry on the local and national levels was approved by Law No. 4,414 on September 3, 1969.

Law No. 4,461 (November 10, 1969) introduced crop insurance to be administered by the National Insurance Institute. The Institute will determine areas to be covered as well as premiums, limitations and other conditions. A significant share of the needed technical reserve will come from 50% of the income tax paid by governmental and private banks, payable directly to the Institute. The law takes effect on May 12, 1970.
Both the Warsaw Convention (1929) for the Unification of Certain Rules Regarding International Air Transportation and the Hague Protocol (1955), amending it, have been adopted by Legislative Decree No. 4.462 (1969).

A newly enacted Forest Law, No. 4465 (1969), regulates the use and conservation of forest resources and establishes a tax for their exploitation. The law also deals with the use of forests in the public domain, national parks, transportation and marketing of forest products.

The Legislature is considering a bill which would authorize Costa Rican banks to establish branches in other countries.

DOMINICAN REPUBLIC

Alien land holding, subject under Decree No. 2543 (1943) to governmental permit, is now unrestricted under Decree No. 3.6000 (1969) which deals with the acquisition of land for family housing, commercial or industrial activities, and urban development.

The law regulating sugar production (Ley de Colonato Azucarero) adopted by both legislative chambers was vetoed by the President on the ground that in the final text certain income allocated in the government draft to national education was diverted to other uses.

Both houses of the Legislature have adopted an amendment to Law No. 206 (1967) to extend the jurisdiction of the cortes de árboles frutales y maderables to include coffee and cocoa.

Law No. 5.879 (1962), regarding the Agrarian Institute was amended in order to guarantee the professional qualification of the personnel of the Institute. The amendment also changes the composition of the Directorate administering the Institute.

The Legislature has adopted a new law to further the agriculture and cattle economies by increasing private investments in these sectors through improved use of resources, by better marketing and export facilities, by developing related industries, and by furnishing technical assistance. The administration of the law is entrusted to the National Committee for Agricultural and Cattle Development.

The Supreme Court has issued a circular letter reiterating the prohibition to members of the judiciary and to the Attorney General from engaging in political activities. According to Art. 147 of the Judiciary Law, violation results in immediate dismissal.
A draft law to establish maximum prices for fertilizers is being discussed by the National Development Commission.

The Organic Law of the Housing Bank (No. 378 amended in 1963, 1964 and in 1968) was again amended to enable the Bank to guarantee mortgages in a more efficient manner. The goal is to expand housing construction by attracting private capital, both foreign and domestic.

Mounting unrest due to approaching elections prompted the Legislature to enact Law No. 524 (1969) authorizing the President to suspend certain constitutional guarantees as well as to "take all security measures which he considers appropriate in cases of strikes affecting public services."

A new Law of Civil Aviation was adopted by both houses of the Legislature in December 1969; however, it has not yet been signed into law by the President.

ECUADOR

The Presidential Economic Commission is considering reforms of laws regulating money, negotiable instruments and commercial matters generally, in order to further the Andean economic integration.

A special mixed commission charged with the study of constitutional reform decided not to recommend a partial constitutional reform. Instead, the commission suggested that a complete revision be undertaken in 1970.

A law reorganizing the Dirección Nacional de Banano (administrative agency in charge of banana economy) has been enacted as Law No. 194 (1969).

Conservative deputies have submitted to the Permanent Legislative and Administrative Commission a law to reform the present agrarian reform law. The Commission has recommended the adoption of a law to establish a Ministry for Agrarian Reform.

The President has voiced his opposition to a law for "administrative rationalization at the highest level" stressing that he will not allow any curtailment of his powers.

EL SALVADOR

The Criminal Code was amended to include prison sentences up to 15 years for misappropriating funds in financial institutions serving
the public. Penalties are also provided for persons who improperly audit such institutions. Penalties are added for persons who deal in agricultural land without being the owners thereof under Decree No. 452 (1969).

Qualifications for public accountants have been established by an interpretation of Decree No. 481 (1969).

A bill regulating cooperatives was submitted to the National Assembly. The Assembly is also considering legislation regarding drainage and irrigation, agrarian reform and a general law on banks and financial institutions.

The Civil Code is to be amended so as to allow civil marriages to be performed not only by mayors and heads of administrative units (departamentos) but also by notaries. The amendment also proposes to abolish bans and to allow celebration of the ceremony immediately after the required documents are presented.

The Traffic Law, enacted in 1967, adopted the principles of absolute liability; joint responsibility of owner — even corporate — and driver; modern rules of evidence; and oral proceedings. Practical experience, however, has shown that these features have proved ineffective due to an inadequate judicial machinery.

A law requiring sanitary inspection of meat has been adopted. It is to be implemented by municipal regulations.

The proposed Labor Code containing 330 sections is still being discussed in joint sessions attended by representatives of the government, of management and labor. An opinion of the Supreme Court is also expected.

GUATEMALA

Regulations to implement the General Warehousing Law were issued. Firms may accept merchandise and issue negotiable receipts. The law should facilitate grain trading in particular, and should benefit those importers who may not wish to carry large inventories.

The Congress has undertaken a major revision of the Commercial Code. Under active consideration, among others, are provisions referring to negotiable instruments and the establishment of corporations in Guatemala.

A new Organic Law of Sports (D.O. September 27, 1969) has replaced Decree Laws No. 96 and No. 463. The new law is designed to restore to the people autonomy in sports, as understood in democratic
countries, for both amateurs and professionals. Guatemalan sports shall be administered by the Autonomous Sport Confederation through its general convention, executive committee and a manager appointed by the President of the Republic. The Confederation and its organs have regulatory and disciplinary powers. Particular provisions deal with the press, radio and television. Sport organizations at various levels of the established administrative scheme enjoy significant tax privileges.

A new Centro Nacional de Desarrollo, Adiestramiento y Productividad has been established by Decree No. 57 (1969) to increase productivity in all sectors of the economy and to improve the efficiency of available manpower. CENDAP, a semi-governmental non-profit entity, shall be subordinated to the Ministry of Labor and Social Welfare. It is expected to cooperate with government and private entities within overall governmental development plans.

The Government has issued a regulation (D.O. September 3, 1969) pursuant to Decree Law No. 473 concerning insurance companies. The regulation provides that foreign insurance companies must observe the following: (e) maintain an agent vested with all general and special powers required by law to represent the company in judicial and extra-judicial matters. In case the agent lacks such powers, he will be presumed to have acquired them by operation of law, (b) agents must maintain a business office open to the public, (c) keep books in the form prescribed by law, (d) invest in Guatemala the required reserves, and (e) comply with all applicable legal and regulatory provisions. The September regulation superseded one previously issued on May 20, 1969.

A law offering the possibility of substituting a period of instruction or work, on the basis of two days of either of these, for one day in prison was enacted by Decree No. 55 (1969).

The Guatemalan Congress concluded the 1969 session on December 9 by approving sixteen decrees in a period of seven hours. Among the measures approved the following are of particular interest: the 1970 budget, adherence to the treaty of Tlatelolco (prohibition of nuclear weapons in Latin America), political rights of women, approval of agreements reached at Vienna on the Postal Union, approval of Sugar Agreements, Social Security, and the issuance of Treasury bonds to finance local investment projects.

HAITI

A law enacted on September 9, 1969, regulates intestate succession of naturalized Haitians without heirs. It is designed to prevent land
from becoming the property of non-naturalized aliens, whether residing in their home countries or in Haiti, and also to prevent the proceeds from the sale of such lands from accruing to such aliens.

A Decree of October 9, 1969, regulating tariff privileges granted to economic enterprises, was followed by an instruction issued by the President to a Presidential Commission charged with the administration of the new regime. In addition to extensive quotes from the writings of a professor in Beirut, the President — in general terms — pointed to two sources of potential danger: large landowners and foreign business.

Among other enactments during 1969, the following may be mentioned: A Presidential Decree issued in January reorganized the University of Haiti, and established Faculties of Letters and Education and a School of Advanced International Studies. Reorganization also affected the Faculty of Sciences and the Faculty of Law and Economic Sciences. On April 28, the Legislature reaffirmed the Decree of November 19, 1936 and the Presidential Order of August 12, 1959, outlawing communism. On June 17, a Presidential Communique limited the number of travel agencies. On September 21, the Legislature suspended some of the constitutional guarantees and granted the President full powers. A governmental decree of November 17 was issued to limit the flight abroad of medical and para-medical personnel; a subsequent Presidential Decree of December 10, 1969, was promulgated to balance, in the above matter, public interests with those of individuals in a “high spirit of fairness.” Late in December a Presidential Commission was created to promote physical education at all levels of education.

JAMAICA

The following have been recently enacted. Supplements to the Decimal Currency Act (No. 7, 1969), among them the Decimal Currency Regulation (Machine Converters’ Returns); Jamaica Development Bank Act (No. 12, 1969); Travel Tax (Amendment) Act (No. 18, 1969); Land Authorities (Amendment) Act (No. 19, 1969); National Honours and Awards Act (No. 21, 1969); Trade Unions (Amendment) Act (No. 22, 1969); and the Holidays with Pay (Amendment) Act (No. 23, 1969).

On October 28, 1969 the Bank of Jamaica issued a directive to commercial banks operating in Jamaica restricting credits in certain areas, particularly consumer credit, and credit to non-residents and to foreign controlled companies. Exempt are credits for the purchase of commercial motor vehicles; industrial, commercial, medical and other professional equipment; local products; homes and their improvement; businesses
which do not utilize bank credit to finance credit for consumer durables; and education.

An act to establish a River Rafting Authority was adopted by the Legislature.

The House of Representatives, on November 7, 1969, unanimously adopted a resolution establishing a committee of the whole House to prepare proposals to preserve the principle that “the integrity of Ministers of Government and of Members of Parliament and other persons holding public office should be clear to the world in appearance and in fact.”

The Government is drafting a bill to regulate relations between foreign principals and local dealers and agents by providing a legal framework for the termination of agreements between the above parties. In case a principal terminates an agreement or refuses to renew it without “just cause”, a six months notice shall be required. Further, under these conditions, the principal will have to purchase all unsold stock at cost plus 10% and not only pay a compensation computed from past profit averages, but also purchase, at the depreciated value, all plant equipment, tools and accessories related to the particular service.

The House of Representatives on November 6, 1969 passed a bill to establish the Jamaican National Export Corporation, charged with the responsibility of increasing the island’s export trade. The Corporation will set up overseas offices and attempt to develop new markets, exploit fresh opportunities in existing markets, and assist Jamaican firms with the intricacies of exporting. Establishment of the Export Corporation is considered part of the island’s export and industrialization drive, prompted in part by expectations that Britain will enter the Common Market and cease buying Jamaican products in quantity.

A bill to amend the Supreme Court Law to permit the appointment of a tenth judge was adopted by the House of Representatives. Discussion of the bill set off a debate on the system of administration of justice in Jamaica. The Attorney-General and Minister of Legal Affairs had to respond to a series of charges, among them, that judges were poorly qualified and lazy and that the courts were not sitting long enough hours; that a staff shortage existed in all the courts; that criminal hearings were delayed up to 18 months; that gross discrimination existed between wealthy and poor criminal defendants; and that the Court was susceptible to ‘packing’ by the Prime Minister. At one point a member proposed a commission of inquiry into all aspects of the administration of justice. The Attorney-General defended the integrity and efficiency of
the judges and judicial system but agreed, however, that reforms would be useful. In his opinion the main problem with the administration of justice was the practicing barristers, who were, he said, often discourteous and also overcharged their clients, adding that the barristers "should cleanse themselves of a great deal of impurities."

In a recent speech the Attorney General and Minister of Legal Affairs defended the existing system of judicial appointments by the Judicial Service Commission, consisting of the Chief Justice, the President of the Court of Appeals, the Chairman of the Public Service Commission and three additional members appointed by the Prime Minister. The Minister added that a Law Revision Act is before the Legislature designed to consolidate all laws, rules and regulations presently in force; the compilation will reach some 20,000 pages.

MEXICO


The voting age has been lowered from twenty-one to eighteen years. The change adds approximately three million voters to the nation's electorate.

NETHERLANDS WEST INDIES

Netherlands Antilles

The Legislative Council of the new coalition government approved a law regulating minimum wages. Public officials received a 21 percent increase in salaries.

To prevent a repetition of violence which erupted some six months ago, the Government has prohibited the sale of alcoholic beverages, closed super-markets and increased police patrols.

NICARAGUA

The Organic Law of the National Bank has been adopted by the Chamber of Deputies.

A new law regarding land registers (catastro) has been approved by the Chamber of Deputies.

The law regulating insurance institutions is having a difficult time
in the Legislature. Discussions center particularly around provisions
dealing with foreign insurance companies.

The Legislature has rejected a proposed law to unify textbooks at
all educational levels. It adopted the opinion expressed by the Com-
misson of Education that such law would violate freedom of education
as guaranteed by the Constitution, would impede developments in educa-
tion and, finally, is unnecessary since there is already a law on the
books regulating the selection and use of textbooks. However, during
the discussion the need for a law controlling the price of textbooks was
strongly urged.

The law protecting apartment leases has been extended one year.

A draft law for the protection and stimulation of industrial develop-
ment has been introduced in the Chamber of Deputies; it is designed
to amend the existing law enacted in 1963.

The law establishing criminal penalties for attorneys and notaries
for improper acts committed in their official capacity (G.O. No. 227,
October 4, 1969) has taken effect. The crimes will be judged by an
appellate court.

PANAMA

Under Decree No. 341 (1969), the military government reestab-
lished constitutional rights under Arts. 22, 24, 26, 27, 29, 38 and 51
of the Constitution dealing mainly with the rights of assembly. Con-
currently, it promulgated Decree No. 343 regulating freedom of ex-
pression in print, radio and television. The latter decree also regulates
libel and slander, including criminal and civil responsibility therefor.

Decree No. 342 (1969) designed to promote public order defines
subversive activities and provides for penalties in an administrative pro-
cedure.

The position of agencies working for domestic or foreign prin-
cipals has been regulated by a decree dated October 31, 1969. It im-
poses upon principals the duty to file agency agreements with the
Ministry of Commerce and Industry. In addition, any cancellation,
revocation, modification or denial of renewal of such agency agreements
may be only for just cause as defined in Art. 6. In case just cause
is not shown, the decree provides for damages. Rights accorded under
this decree may be waived only by approval of the above Ministry, al-
though there may be an agreement to have conflicts settled by other means (arbitration).

New minimum wages have been established by Decrees No. 16.440 and No. 16.450 (1969).

The National Codification Commission continues its work through five committees with some eighty lawyers participating. Presently, the work is centered around the Code of Civil Procedure. Suggestions have been made to modernize the Negotiable Instruments law which is patterned after the United States' law. Presently, however, this matter is not included in the recodification of the present Commercial Code.

An Institute for Economic Development was established by Decree No. 260 (1969) to function under the executive branch. The Institute will seek to increase national wealth, both in agriculture and industry.

Panama adopted the International Coffee Convention under Decree No. 22 (1969).

Decree No. 329 (1969) deals with leases on national airports.

Compulsory trade-unionism (sindicismo) has been proclaimed as one of the aims of the military government with the objective of providing participation in the “national destiny, economic planning and general welfare” to the nation's underprivileged. The General Union of Panamanian Workers, previously frustrated by “lack of understanding, negative attitudes and persecution by corrupt and immoral governments” is to become a powerful national factor.

A comprehensive new banking law is expected early in 1970. It reportedly will increase minimum capital and reserve requirements.

PARAGUAY

The Council of Industrial Development is discussing a draft bill to regulate investments. The draft deals with investments generally, different forms of corporate economic entities, benefits and guarantees, and with related liabilities and sanctions. The new law seeks to find a balance between domestic and foreign investments and their corporate forms, as well as investments involving industrialization on the one hand and general development on the other.

New ways to further technical education are being studied in cooperation with OAS.

Resolution No. 406 (1969) directs the Ministry of Education and
Cult to compile all laws, decrees and other instructions regulating education, and the organization and functions of the Ministry.

Decree Law No. 7119 (1969) created a Center for Promotion of Exports.

Laws No. 80 (1969) and 91 (1969), respectively adopted the Convention on Diplomatic Relations, including its protocol regarding binding settlement of controversies and acquisition of nationality, and the Convention regarding Consular Relations, including the protocol on settlement of controversies and acquisition of nationality (Vienna 1961, 1963).

PERU

The military government has further implemented the Agrarian Reform Law and enacted the General Law of Waters, reported below. Proceeding in a “nationalistic and revolutionary” direction, the Government plans a wide reform of the economic system through laws regulating fishing, taxation, credit and labor-management relations. Reorganization will also affect all aspects of public administration, including regional and municipal institutions, and conclude with a new constitution reflecting the recent fundamental social, economic and political changes.

The General Law of Waters, Decree Law No. 17.752 (1969), made all water resources “according to the historical Peruvian tradition and the present constitution” inalienable property of the state to be administered through the Ministry of Agriculture and Fisheries. Water resources include those located on dry land plus maritime waters up to 200 miles, atmospheric waters, natural and artificial lakes, subterranean courses and mineral waters. Water resources shall be conserved for use as well as protected from pollution. The use of water resources is regulated in detail under the new decree.

The Agrarian Reform law was implemented, among others, with extensive regulations contained in Supreme Decree No. 163-69-AP (1969). Subdivision of land is covered in Supreme Decree No. 164-69-AP (1969); valuations and payments of indemnities in Supreme Decree No. 181-69-AP (1969); bankruptcies and mortgages in Decree Laws No. 17.800 and 17.801 (1969); status of beneficiaries in Supreme Decree No. 212-69-AP (1969). Related enactments deal with the Institute of Agrarian-Industrial Research (Decree Law No. 17.747 1969); a supervisory committee to study problems related to agrarian reform (Decree Law No. 17.732, 1969); and the establishment of Public Agrarian and Fishery

Expropriation of housing, regulated by Decree Law No. 17.803 (1969), is authorized in order to expand or improve housing. Expropriation may be used exclusively to build economic housing units to meet popular needs, and in accordance with urban planning. Indemnity shall be paid in government bonds.

Decree Law No. 17.681 (1969) deals with adulteration, hoarding and speculation of food.

Decree Law No. 17.838 (1969) amended Art. 188 of the Civil Code of 1936 regarding a husband's administration of community property.

The Ministry of the Interior was reorganized by Supreme Decree No. 058-69-IN (1969).

A Maritime Institute was established by Decree Law No. 17.699 (1969).

The following enactments are significant on the subject of mining. Art. 68 of the Mining Code was amended by Decree Law No. 17.730 (1969); Decree Law No. 17.791 (1969) created a mining fund to promote the industry and facilitate the direct participation by the state. Another decree, No. 17.792 (1969), requires a submission of projected operations. Decree Law No. 17.793 (1969) reduces the maximum area of non-ferrous mineral concessions, and Supreme Decree No. 102-69-EF (1969) regulates contracts of exploitation with domestic and foreign enterprises.

In an attempt to improve labor-management relations, the Government has established an interministerial commission by Supreme Resolution No. 040-69-IC (1969). The Commission, which will be composed of representatives of the Ministry of Industry and Commerce and the Ministry of Labor plus two representatives from the National Planning Institute, is charged with preparing a draft providing for labor's share in profits. Profit sharing, however, is not new in Peru. It was introduced by Law No. 10.908 (1948) which was superseded by Law No. 11.672, and which in turn replaced the profit-sharing scheme with a contribution from management to the Health and Welfare Fund whenever the profits surpassed 10% of capital and reserves. A similar bill (Ley sobre Reforma de la Empresa) was introduced in the Senate in 1964 providing for workers' profit sharing and participation in management.
Price controls have been imposed on meat, sea food, grains, potatoes, and bread under Decree Law No. 17,684 (1969). Prices will be established by the Ministry of Agriculture and Fisheries which may, in order to meet emergencies or stabilize prices, allow importation of basic foods.

Imports of meat are regulated by Decree Law No. 17.795 (1969).

Certificates regarding foreign currencies involved in export are regulated by Supreme Decree No. 150-69-EF (1969).

All aspects of sports, both amateur and professional, are regulated by Decree Law No. 17.817 (1969) which also provides for penal sanctions to be imposed by a court of honor.

The medical profession will be organized in the Colegio Médico de Peru as provided in Supreme Decree No. 00101-69-SA (1969), implemented by Decree No. 00102-69-SA (1969).

The substitution of work for prison sentences was instituted by Decree Law No. 17,581 (1969); the related Instituto de Redención de Penas por el Trabajo is regulated by Supreme Decree No. 063-69-IN (1969).

The appeal of the International Petroleum Corporation attacking the expropriation of its properties was held without merit by Resolución Ministerial No. 144-EM/AT (1969), implemented by Supreme Decree No. 014EM-69-DGH (1969). The same position was taken in Resolución Suprema No. 095-EM (1969). Assets have been taken over by PETROPERU under Decree Law No. 17.753 (1969).

The acquisition of shares by the government in the International Telegraph and Telephone Company was effectuated by Decree Law No. 17.860 (1969).

The government, on December 24, 1969, published a decree containing a far reaching reform of the judicial system. A summary of this significant decree will appear in the forthcoming issue of the Lawyer of the Americas.

TRINIDAD AND TOBAGO

Within the context of the idea of becoming a republic, a vigorous discussion has developed on the subject of appeals to the Privy Council in England. Much support exists for continuing the present arrangement to have decisions of domestic courts reviewed by an outside tribunal, but proposals for change range from advocating complete severance to
suggestions that jurists from the Commonwealth in general, or from the British Caribbean in particular, be added to the Privy Council. It has also been suggested that a new Commonwealth court of appeals be established, or that a special regional Caribbean court of appeals be created independent from the Privy Council.

The Senate has adopted a proposal to appoint a Joint Select Committee of Parliament to "consider the desirability of adopting a republican form of government."

A number of bills have been introduced in the Senate, among them, an act for the revision of the statutes of Trinidad and Tobago; another creates a Commission to reform the law. The Senate has already passed the law extending territorial waters to 12 miles.

The Government made public a draft law involving petroleum operations on land and sea. The bill is designed to consolidate and partially amend existing legislation on exploration and exploitation of petroleum resources.

The Government is considering a consolidation of the laws regulating cooperatives to further the development of credit unions "without trespassing on their autonomy and sovereignty."

New labor laws are being discussed by government, industry and labor representatives.

UNITED STATES

Several amendments to the Peace Corps Act were approved on October 29, 1969 (P.L. 91-99, 83 Stat. 166). The main purpose of the legislation is to authorize $98.45 million for Peace Corps operations during fiscal 1970, a decrease of roughly $14 million from the amount authorized for fiscal 1969. The new law also authorizes contributions of up to $300,000 during fiscal 1970 toward the establishment of an international register of volunteers to serve in less developed countries, or to provide other assistance to help such countries or areas to meet their needs for trained manpower.

The Export Control Act of 1949 has been extended to December 31, 1969, for the third time this year. The main purpose of the extensions is to continue the power of the President to restrict the export of scarce or critical materials, directly or indirectly, to Communist countries while the Congress is drawing up new legislation on the subject. A House bill has been submitted to amend the Export Control Act
providing that any economic boycott instituted by the President under this act would lapse after sixty days unless approved by Congress.

Several bills have been introduced in Congress which would propose extension or establishment of import quotas on certain goods. Perhaps the most significant of these is H. Con. Res. 409 placing controls on the import of ceramic tiles if the annual rate of new construction in 1969 falls below the 1968 level. This bill is one of several that have proposed import quotas on various materials used in commercial and residential construction. Other quota bills introduced would affect among other products, mink, textiles, footwear, and dairy products.

The Bureau of Customs has been investigating several alleged incidents of dumping. Earlier in 1969 it was found that imports of potash from Canada, France, and West Germany were being sold at less than fair market value. Further investigations are now taking place to determine whether or not the domestic industry has been damaged. The Bureau is also investigating a complaint that pig iron imports from Brazil, Canada, and several other countries, are being sold beneath fair market value. A similar investigation is taking place with regard to french-fried potatoes imported from Canada. The Tariff Commission was to begin hearings regarding alleged unfair methods of competition in the importation and sale of coffee concentrates.

The Department of Commerce has announced some relaxations in the regulations governing export documentation proceedings. As of October 1, 1969, exporters are no longer required to file export declarations for general license shipments to Free World countries if the shipment to be declared has a value of less than $250, instead of the previous minimum of $100. In addition, high volume exporters are now permitted to file one monthly declaration instead of a declaration for each shipment to Free World countries.

The United States has invoked a provision of GATT which permits members to change, once every three years, their commitments to maintain tariffs at levels established in previous negotiations. The provision being invoked is a reservation of all rights by the United States to modify existing trade agreement concessions involving stainless steel flatware, canned fish and canned whale meat, and light aircraft of less than 10,000 pounds empty weight.

At a recent joint annual meeting of the World Bank and the International Monetary Fund, the IMF nations approved a new form of international reserves and allocated some $9.5 billions for the first three
years of its operation. The new system, to be known as Special Drawing Rights, is the latest international effort to support trade growth. This system is to go into effect in January, 1970, and will make allocations from the new fund to each member country to be counted by each country as part of its reserve holdings. The SDR money will not be spendable as such, but will consist of rights to obtain convertible currencies from other member countries to meet balance of payments or reserve needs.

President Nixon, in an October 31, 1969, speech, outlined several new steps that could be taken to assist Latin American countries in increasing their exports. These steps would include increased technical assistance; the establishment of an inter-American procedure for trade consultation; a world-wide liberal system of tariff preferences for all developing countries; and a vigorous effort to reduce the non-tariff barriers to trade maintained by most industrialized countries against products of particular importance to Latin America.

The Department of Agriculture has proposed to change Meat Inspection Regulations regarding the importation of meat and carcasses into the United States. In order for such foreign exports to be eligible for entry into this country, the proposed regulations would require, among other things, that the exporting country regularly inspect its producing plans according to standards at least equal to those required of domestic plants. The Department has also proposed new grade, size, and inspection regulations for fresh domestic and imported tomatoes.

A bill to modernize procedures in the Customs Court and in the Bureau of Customs of the Treasury Department has been introduced in the Congress.

URUGUAY

A new maximum price list was published in a resolución of the Ministry of Finance dated April 22, 1969. In addition to price control, the government has decided to reduce the overgrown banking structure (Decree No. 220, 1969).

Negotiations have been approved between a Dutch investment bank and the National Harbors Administration to dredge the Montevideo harbor under Decree No. 216 (1969). Also approved was a project involving the Inter-American Telecommunications Network and the domestic Directorate of Communication. Involved also are the Inter-American Telecommunications Commission, the Inter-American Development Bank and the United Nations Development Program (Resolución No. 631, 1969).
Renewed unrest has prompted the Government to establish areas for public demonstrations (Decree 275, 1969) and to promulgate measures regarding striking public employees, including prohibition of inflammatory propaganda and certain public assemblies (Decree No. 289, 1969). Other measures relate to the closing of banks, and the imposition of martial law in the fields of telecommunications, sanitation, electricity and telephone services. Activities relating to fuels and alcohol are also subject to martial law, and Decree No. 287 (1969) provides for forfeiture of salaries due to participants in strikes and work stoppages.

A governmental decree issued December 1, 1969, prohibits any mention in the press, radio or television of any subversive group, particularly the urban guerillas, called Tupamaros, as well as any reference to “cells”, “commandos,” “extremists”, “terrorists”, and “political and ideological delinquents.”

VENEZUELA

The Organic Judiciary Act of 1948 was amended on August 26, 1969 (G.O. No. 1333) mainly with regard to the Council of the Judiciary of which nine members shall be appointed by the Supreme Court, two by the Congress and two by the executive branch. The Council shall assure the independency and efficacy of the judiciary and the decorum of the courts, as well as the benefits of the judicial career according to law. The structure of the courts, however, remained unchanged. The Act provides for a federal court and a court of cassation as well as for a number of subordinate courts, both of general and special jurisdiction. Courts of general jurisdiction are: superior courts, courts of first instance, district (or departmental) courts, municipal (or parish) courts and investigating judges in criminal matters. Courts act in civil, commercial, criminal, labor, minors, military, political, administrative and tax matters and in non-contentious (e.g., probate) proceedings. Judges are elected by their colleagues and are subject to strict professional standards and disciplinary measures, under the supervision of the Council of the Judiciary.

A new regulation (Decree No. 146, 1969) concerning registration of civil aircraft has been issued. Venezuelan nationality may only be acquired by aircraft owned by the state or persons meeting regulatory standards. A person owning an aircraft must be a Venezuelan national. Corporations must be established under Venezuelan law; must have their main seat in Venezuela and management and control must likewise be situated in Venezuela; two-thirds of the shares must be nominative and
belong to Venezuelans; and, the Chairman of the Board and the Manager, as well as two-thirds of the directors and administrators must be Venezuelans. In cases of personal associations, two-thirds of the partners, jointly liable, must be Venezuelans. Only in exceptional situations may a non-owner of an aircraft apply for registration. The regulation prescribes the documents to be submitted for registry and for transfer of title. Aircraft located abroad may be registered provisionally in order to facilitate the transfer. Aircraft of foreign registry cannot be operated in Venezuela beyond six months during a period of twelve months, except by special permit from the Ministry of Communications. Even though domestic air transportation is exclusively for domestic aircraft, foreign registered aircraft may be permitted to operate domestically under a special permit.

Pursuant to the Election Law, the Supreme Election Council has adopted an internal regulation (G.O. 1338, 1969) dealing mainly with voter's lists.

A National Council of Energy has been established by Decree No. 165 (1969) to advise the government in matters of planning, exploitation, production, transformation, transportation, distribution and use of energies. The Council is composed of the Ministers of Mines and Hydrocarbons, Finance, Defense and Economy; the Head of the Central Office for Coordination and Planning; the president of the Central Bank; the president of the National Economic Council; representatives of the Chambers of Commerce, the national labor union and the union of oil workers, and, finally, eight other persons of recognized qualifications in the field.

According to Decree No. 194 (1969), the National Council for Foreign Trade shall function within the Ministry of Foreign Affairs as a permanent consultative body in matters affecting foreign commerce of the Republic, particularly in matters of bilateral and multilateral agreements, of institutions involved in foreign commerce, economic integration and promotion of exports.

A commission has been established by a resolution of the Ministry of Communication (December 12, 1969) to study the creation and function of a state enterprise or an autonomous body to handle domestic and international telegraph services.