Inter-American Legal Developments

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ARGENTINA

A new national Code of Civil and Commercial Procedure was enacted by Law No. 17.545 (1967) and entered into force on February 1, 1968. Among provisions of international significance are the rules regarding recognition of foreign judgments, the substance of which follows: If there is no applicable treaty, foreign judgments will be enforced in Argentina provided they meet the following requirements; (1) the judgment is final and rendered by a court “competent in the international sense” in an action in personam, or in rem regarding a chattel brought into Argentina during or after the foreign proceedings; (2) the party domiciled in Argentina and charged with the judgment was served personally; (3) the underlying obligation is valid under Argentine law; (4) the judgment is not contrary to Argentine public policy; (5) the judgment complies with the foreign lex fori as well as the authentication standards of the Argentine law; (6) the judgment must not contradict a prior Argentine adjudication.

Rules regarding registration of real property titles have been enacted by Law No. 17.801 (1968), implementing the Civil Code. The law is applicable to land in the federal district and national territories (Tierra del Fuego, Antartica and Islands of the South Atlantic). Inscription does not validate the title (Art. 14).

A new Secretariat of Foreign Commerce, affecting the authority of the Secretariat of Industry and Commerce, has been established by Law No. 17.746 (1968). The new Secretariat is charged, among others, with responsibility in matters of exchanges, international commercial treaties, purchases and sales of general interest in foreign markets, and with tariffs and transportation.

The Argentine Foreign Service is now regulated by Law No. 17.702 (1968), which requires Argentine officers abroad, among others, to de-
fend the interests of the nation and to safeguard rights granted by treaties, customs and international usage. Foreign service officers are also required to protect “nationals abroad using means in conformity with international law.” The requirement of protection extends to Argentine legal entities (Art. 16). The subject officers are prohibited from intervening in the politics of the foreign country where stationed, to file suits, or give testimony unless permitted by their superiors (Art. 14).

The Argentine Criminal Code (Law No. 11.179 of 1921) has been extensively amended by Law No. 17.567 (1967). The following subjects, among others, are affected; abortion (Art. 86); attacks on modesty (Arts. 125-129); air piracy (Art. 198); narcotics (Art. 203); illicit associations (Art. 210); armed revolt against the government (Art. 214), and conspiracy with foreign governments (Art. 215), both of which are also applicable to aliens; dishonoring the flag, emblem or the anthem of a foreign nation (Art. 211); and, exercising the authority of a foreign government (Art. 228).

A uniform statute of limitation for claims arising from employment enacted by Law No. 17.709 (1968) sets the period at two years.

The development of the movie industry has been regulated by Law No. 17.741 (1968). The law also affects foreign movie imports.

Dealings in securities are now regulated by Law No. 17.811 (1968), which repealed Arts. 75 to 86 of the Commercial Code and a number of related decrees issued between 1946 and 1957.

In the United Nations General Assembly, the United Kingdom reaffirmed its sovereignty over the Falklands Islands adding that changes in its political status are subject to the approval of the islanders.

The Argentine Civil Code of 1869 has been amended by Law No. 17.711 (1968). Even though numerous, and spread throughout the Code, the changes are cautious and in accordance with traditional doctrines. Generally, the amendments have emphasized the primacy of ethical principles, the need for the protection of the family and minors, the responsibility of legal entities for their torts, and the protection of third persons acting in good faith and for valuable consideration. However, the drafters have reserved for special enactments matters dealing with horizontal property, adoption, personal names and international conflicts law. The following are indicative of changes made. Art. 522 provides that damages for breach of contract may include “moral damages” (agravio moral). Contracts shall be interpreted in good faith (Art. 1198). The marital property regime guarantees both spouses free administration and disposition of their property (Art. 1276), with qualifications (Art. 1277). Succession of the surviving spouse has been modified (Arts. 3573-3585).
The same law also amended provisions of Law No. 2393 (1881) regarding marriage. After two years of marriage, spouses may declare in court that “there are serious grounds making common life morally impossible” and demand separation (Art. 67).

Admiralty law presently contained in the Commercial Code of 1858, as amended in 1889, will be replaced by a Code of Navigation incorporating principles contained in treaties as well as norms dictated by modern technological advances. Updating the existing law is imperative in view of the fact that the present code originated in the period of sailing ships. The new draft consists of five books dealing with general principles, maritime things and persons, administrative authorities, admiralty procedures, and criminal matters.

Provisions of the Commercial Code (1858) dealing with insurance have been modified by Law No. 18.481 (1967). Relying mainly on Swiss, German and Austrian models, the law adopted a number of new principles of which the most far-reaching is that making statutory rules changeable only in favor of the insured. Another significant principle grants effective protection to the insured by imposing upon the insurer the standard of propriety, including that of good faith, while at the same time striving to keep a proper balance between rights and duties. The law is designed to establish uniform regulations for insurance generally and even though it applies to insurance on land, it also applies as a subsidiary source to maritime and aviation insurance, as well as to social and mutual institutions. The law, however, does not apply to automobile insurance, nor to insurance situations involving matters of public law.

BARBADOS

Among significant laws and orders enacted since independence, the following deserve mention: Existing Laws Amendment Order (1967-2); Hotels Aid Act (1967-25); Citizenship Act (1967-50); Exchange Control Act (1967-53), with regulations (L. N. 148); Minimum Wage and Guaranteed Employment for Sugar Workers Act (1968-6); Land Surveyors Act (1968-21); and Legal Aid and Criminal Cases Act (1968-19).

BRITISH WEST INDIES

Bahamas

A new home-rule constitution is being negotiated at the Commonwealth Office in London. Controversies involve primarily matters of defense and foreign affairs, as well as internal security.
The House of Assembly has started to discuss a Powers and Privileges Act, providing that newspapermen publishing false or misleading reports of the proceedings in the Assembly, may be found guilty of contempt without recourse to the courts.

Cayman Islands

Laws of the Cayman Islands in force in 1963 (London, n.d.) are now available in three volumes.

Dominica

The 28 years old Seditious and Undesirable Publications Act was debated in the House of Assembly following criticism by the Inter-American Press Association of a statute providing for “punishment of seditious acts and seditious libel….and a temporary suspension of newspapers containing seditious and undesirable matter.”

St. Christopher-Nevis-Anguilla

The revised laws in force in 1961 are now available (London, 1964) in nine volumes.

St. Lucia

In August 1968, the House of Assembly passed the Hotel Proprietors Act providing for fine or imprisonment for racial, color or religious discrimination. The act also makes hotels liable for guests’ personal property lost or damaged, with a limit on such compensation. Hotels will have the right to seize property of delinquent guests and sell it at public auction thirty days after seizure.

St. Vincent

Ordinances imposing airport service charges (No. 8, 1968), and extensive prison rules (No. 7, 1968) have been enacted.

British Virgin Islands

Revised laws of the British Virgin Islands as of 1959 are now available (London, 1965) in six volumes.

West Indies Associated States

Under the West Indies Act (1967) six dependent territories (Antigua, Dominica, Grenada, St. Christopher-Nevis-Anguilla, St. Lucia, and
St. Vincent) have established an association with the United Kingdom giving them self-government, except in matters of defense, foreign affairs, nationality, citizenship and royal succession. The associated states retained the power to terminate the association and assume independence. The judiciary is presently regulated by the West Indies Association States Supreme Court Order (S.I. 223, 1967), supplemented by the Appeals to Privy Council Order (S.I. 224, 1967).

CANADA

In 1968, federal legislation dealt, among other subjects, with broadcasting, currency and monetary matters, criminal code, defense production, taxes (excess and income), fish inspection, land titles and public land grants, unemployment insurance, immigration and housing.

Among the bills receiving royal assent, was the Divorce Act of 1968 (S.C., 1968, c. 24) replacing the Divorce Jurisdiction Act of 1930. Canadian courts have divorce jurisdiction provided the plaintiff is domiciled in Canada and "either the petitioner or the respondent has been ordinarily resident in that province for a period of at least one year immediately preceding the presentation of the petition [for divorce] and has actually resided in that province for at least ten months of that period" (Sec. 5). With regard to foreign divorces the act provides that such divorces will be recognized provided the foreign "tribunal or other competent authority . . . had jurisdiction under that law [i.e., of the respective foreign jurisdiction] to grant the decree, on the basis of domicile of the wife in that country or subdivision determined as if she were unmarried and, if she was a minor, as if she had attained her majority" (Sec. 6). In addition, the Act provides that divorce decrees granted in one Canadian province have legal effect throughout Canada (Sec. 14).

By the Act respecting the armed forces of countries visiting Canada (16 El. c. 23, 1967) prior acts dealing with British, United States and NATO forces have been repealed. The Act provides that Canadian civil courts have jurisdiction regarding "any act or omission constituting an offence against any law in force in Canada alleged to have been committed by a member of a visiting force or a dependent" (Sec. 5), except offences involving; (1) the property or security of the designated state, (2) the person or property of another member of the visiting force or dependent, or (3) an act done or anything omitted in the performance of official duty, in which cases the "service courts of the visiting force have the primary right to exercise jurisdiction" (Sec. 6). However, where a member of a visiting force or dependent has been tried by a service court he may not be tried by a Canadian court for the same
offence (Sec. 5(2)). The same principle applies in case a member of a visiting force or a dependent has been tried by a Canadian court i.e., he may not be tried in Canada by a service court except for a violation of “rules of discipline” (Sec. 6). A member of a visiting force may not be subject to the enforcement of any Canadian judgment against him arising from acts within the scope of his duties or employment (Sec. 17). Difficulties in the application of the Act will be settled by negotiation or arbitration (Sec. 19).

Questions dealing with the territorial sea bed and the continental shelf, as between provinces and the federal government, have been litigated in the light of the Geneva Convention (1958) in Reference re Offshore Mineral Rights, 62 W.W. Rep. 21 (1967).

CHILE


Decree No. 231 (1968) of the Ministry of Housing regulates saving and loan associations and their central organization (Caja Central) which is charged with supervising the activities of these financial institutions.

Tax and tariff privileges are now granted to five northern provinces by Law No. 16.894 (1968), amending Law No. 12.927. Similar privileges have been enacted for the province of Magallanes in extreme southern Chile by Decree No. 1469 (1968).

Importations of Mixed Mining Companies are regulated by Decree No. 72 (1968) issued by the Ministry of Mining.

The Central Bank, on September 3, 1968, issued regulations concerning imports under the AID program. On September 14, the Bank issued a regulation concerning the use that could be made of the cash deposit required of all importers.

Decree No. 791 (1968) of the Ministry of Economy authorized International Telephone and Telegraph Geophysical, Inc. to invest $80 million locally in the copper industry.

COLOMBIA

The basic Agrarian Reform Statute, Law No. 135 (1961) has been amended by Law No. 1 (1968) and implemented by Regulation No. 719 (1968) regarding acquisition of land by the Instituto Colombiano de la Reforma Agraria. Decree No. 703 (1968) has extended for ten years leases and other agrarian arrangements preliminary to the transfer of titles.
An extensive reorganization of the public administration has been initiated by Decree No. 1050 (1968).

Limitation of interests in installment sales to 2% monthly was ordered by Resolutions Nos. 51 and 53 (1968) of the Junta Monetaria. A similar statute was enacted also in Peru in 1966 (Law No. 15.906) allowing up to 12% interest for registered installment sales and up to 18% for non-registered sales.

The foreign service is newly regulated by Decree No. 2016 (1968). Among other prohibitions, diplomatic and consular officers are forbidden to acquire land, waive diplomatic immunities, or appear in court without the permission of the Ministry of Foreign Affairs.

Law No. 1503 (1963) regulating cooperatives was implemented by Decree No. 2059 (1968).

The Income Tax Statute, Law No. 63 (1967), and the additional Decree—Law No. 1366 (1967) have been implemented by Decree No. 154 (1968).

Horizontal property introduced by Law No. 182 (1948) and supplemented by Decree No. 1335 (1959), has been amended by Decree No. 44 (1968), requiring approval of the municipality for the establishment of such arrangement.

The Mining Statute, Law No. 60 (1967), has been supplemented by Decree No. 292 (1968).

Misuses in connection with the dollar black market through refunds for air and maritime passenger tickets, amounting to some 200 million pesos (in spite of 500,000 pesos in fines imposed in 1967), are punishable under regulation issued by the Junta Monetaria on April 15, 1968.

New legislation is being considered regarding limited liability firms and foreign companies generally, primarily through reform of the Commercial Code. Decree No. 2229 (1968) has already been promulgated to prevent improper corporate practices.

The Anti-Monopoly Statute, Law No. 155 (1959), is to be revised. In a general sense, monopolistic agreements should be punishable only if they are intended to fix prices unfair to the consumer. Other provisions of the proposal aim at preventing interlocking directorates, limiting foreign capital to 48% participation, and creating a technical section in the Superintendency of Corporations to administer the law.

The government is considering changes in the concordat of 1887 with the Holy See regarding ecclesiastical marriages and jurisdiction over actions affecting the marital tie by ecclesiastical authorities. Presently, secular courts have jurisdiction over separation and divorce actions between non-Catholics only.
The status of foreign investments in Colombia has been considerably changed. Relying on Decree Laws No. 444 and No. 688 of 1967, the National Council of Economic Policy has replaced its Resolution No. 1 of 1967 with Resolution No. 9 of 1968. The resolution defines as foreign investments; (1) import of machinery and equipment, (2) import of raw materials, (3) import of foreign money through the National Bank, (4) technical services, (5) investments in national currency originating from income eligible for transfer abroad, (6) reinvestments of a similar nature (Art. 1). New investments, i.e., those subsequent to March 22, 1967, require approval from the Administrative Planning Department except in: (1) cases of reinvestments, (2) investments under US $100,000.00, (3) investments in oil exploration and exploitation, as well as exploration of mining resources wherever this is considered to be in the national interest (Art. 2). The value of “old investments” is determined in accordance with Art. 10. Transfers of profits abroad are regulated by Art. 12.

COSTA RICA

A draft mining code has been submitted to the Legislature. A mine is considered property separate from the land surface. Explorations require a license, as does the exploitation of the mines by governmental administrative authorities.

DOMINICAN REPUBLIC

The Austerity Law of 1966 has been extended by Law No. 348 (1968) for another year although provision is made for increases in salaries in private employment from 4 to 10%. The government also plans to prohibit importation of luxury items such as luxury automobiles, and to limit the amount of imported gasoline.

The Law of Industrial Incentives and Protection, No. 299 (1968), favors “new or existing industries, domestic or foreign which contribute to the economic development of the country.” Enterprises are classified into three groups. Group A includes those manufacturing principally for export; group B new industries of high priority for economic development; and group C includes new enterprises or expansions of already existing enterprises which use domestic raw materials. Tax advantages vary from group to group. (Ed. note. See Taxation Report for additional coverage.)

The present Mining Law is to be modified so as to assure the government a 38% share in the profits from mining concessions instead of the present 5 to 18%.
Agrarian reform shall be expanded so as to include idle lands which should be made available to the nation for the settlement of some 40,000 farmers now demanding land.

EL SALVADOR

The Legislative Assembly is presently discussing the draft for a new Commercial Code consisting of 1,592 articles arranged in four books. The proposed code will replace the present code, in force since 1904.

After unsuccessful attempts in 1936 and 1960 to adopt a banking law, a new draft regarding credit institutions and auxiliary organizations is being discussed.

FRENCH WEST INDIES

The new Bankruptcy Law enacted by Decree No. 67-1120 (1967) will enter into effect in French dependencies according to a special decree.

The prohibition of fishing by foreign vessels in the 12 miles territorial waters (Decree No. 67-541 [1967]), with criminal sanctions added by Law No. 67-1086 (1967) will take effect in French dependencies under a special decree.

The law extending periods for compliance with acts and other measures which had to be performed during the disorders in Paris between May 10 and July 1, 1968 (Law No. 68.696 [1968]) applies also to French dependencies particularly in cases of interruption of communications with the metropolis.

Martinique

Inflationary pressures led to the promulgation of a decree on May 13, 1968 on the subject of price controls. Even though prices may be established on the free market, significant exceptions are established, among others, for basic food products, drugs, gasoline, and some essential services.

A fee was introduced for the use of ports by a decree dated January 19, 1968, implementing Law No. 67-1175 (1967), and affecting both vessels and goods. The fee, which was established for the benefit of the Chamber of Commerce and Industry, does not apply to cruise ships.

GUATEMALA

Fundamental conflict of laws provisions have been enacted in the Law on Judicial Organization, Decree No. 1762 (1968), which implements
the Civil Code of 1963. Personal status and capacity are subject to the law of domicile (Art. 13); capacity, once acquired, cannot be lost by a change of domicile (Art. 14). Civil status acquired by aliens in pursuance of foreign law will be recognized, provided it is not contrary to Guatemalan public policy (Art. 15). Requirements for the acquisition of domicile are determined by the law of the country of the alleged domicile, not the lex fori (Art. 16). Interests in things situated in Guatemala are subject to Guatemalan laws even if the owners are aliens (Art. 17). The law of the place where acts are executed or contracts to be performed, determines the nature, validity, effect, consequences and performance (Art. 18). Formalities concerning documents are governed by the law of the country where they have been executed (Art. 19). Jurisdiction, procedure and defenses are subject to the law of the forum (Art. 20). Aliens, even if abroad, may be sued in Guatemalan courts in actions: (1) involving things situated in Guatemala, (2) arising from acts and contracts in Guatemala, or (3) arising from obligations accrued abroad whenever the jurisdiction of Guatemalan courts was agreed upon (Art. 21). Foreign law must be proven by the party relying on it (Art. 22); however, foreign laws, documents, judgments or contracts will not be given effect if they affect national sovereignty, the constitution or public policy (Art. 23). Additional provisions of international interest deal with letters rogatory (Art. 119) and foreign documents (Arts. 190-195).

A new law regulating the civil service was enacted by Decree No. 1748 (1968).

A 10% tax was imposed on tickets for international flights originating in Guatemala even if the ticket was bought abroad by Decree No. 1752 (1968).

The need of a new banking law is being discussed, particularly with regard to the role of branches of foreign banks. Critics of the present status urge that foreign institutions be made responsible to the needs of domestic development rather than their own profits. A draft is being presently discussed in Congress.

A law granting employees participation in profits has been submitted to Congress.

Decree No. 1786 (1968) prohibits strikes as well as arbitration in public "autonomous or semi-autonomous" public enterprises. Instead, collective claims by the personnel of such enterprises shall be submitted to the management.

Decree No. 1380 (1968) expanded the social insurance program by adding sickness and maternity to the present coverages.

Decree No. 1793 (1968) covers expropriations in the public interest.
The organization of the Armed Forces is set forth in Decree Law No. 1782 (1968) which charges the army to maintain the independency, sovereignty and honor of the nation, and the integrity of the national territory and the peace. The Army is "essentially apolitical and non-deliverative." The president of the republic is the Commander-in-Chief issuing his orders through the Minister of Defense.

The draft of a code of labor procedure has been submitted to Congress.

GUYANA

Significant reforms in local government administration, both at Georgetown and New Amsterdam are being drafted. The Municipal and District Councils Bill (enacted on August 22, 1968) is designed to change the system of local government outside of the capital cities.

A committee to study problems of legal aid has been set up under the chairmanship of the Attorney General.

The conflict with Venezuela regarding the three or twelve miles limit off the Guyana coast has been aggravated by a recent Venezuelan decree proclaiming sovereignty of the disputed area.

HAITI

A new decree Regarding Rights of Authors of Literary, Scientific, and Artistic Works (copyrights) was enacted on January 9, 1968.

Haiti has denounced the Habana Convention on Asylum (1928), the Montevideo Convention on Political Asylum (1933), and the Caracas Convention on Diplomatic Asylum (1954). The act of denunciation took place in the United Nations in November, 1968.

HONDURAS

A new mining code is being discussed by the National Congress. The law aims to impose effective control on foreign licensees through the establishment of laboratories in designated ports in which the minerals to be exported will be checked. Licensees may also expect closer fiscalization on the subject of payment of taxes.

JAMAICA

Recent strikes in public services triggered a number of proposals for the settlement of labor disputes. It was recommended that the present Essential Services Law be replaced by a new Industrial Disputes Act giving the Minister of Labor sweeping powers and prescribing heavy penalties for breaches of the new rules regarding strikes. Arbitration was
also recommended, as well as granting the Minister power to order the end of a strike whenever "the national interest is involved."

A proposal to establish a Human Rights Commission to investigate discrimination in jobs, housing, government contracts and passports has been defeated in the House of Representatives.

The hotly debated National Lottery Bill passed both Houses.

The Jamaica Stock Exchange, Ltd. has been chartered and will operate a stock exchange with twenty seats. The governor of the Bank of Jamaica and an official of the Ministry of Finance will represent the government in the Council of the Company.

The Land Improvement Tax Bill was passed in September, 1968. The law taxes land in improvement areas where, due to large scale government expenditures, the land has increased in value.

Jury trial in civil cases, now discretionary with the judge, probably will become a right in cases involving slander, libel, false imprisonment, malicious prosecution, seduction, breach of promise to marry, and other similar cases involving fraud. The matter is under consideration by the Legislature.

MEXICO

The federal judiciary underwent significant changes under a decree of April 30, 1968, amending the Organic Act of the Federal Judicial Power enacted in 1930. The jurisdiction of the Supreme Court has been modified (Ch. II Arts. 2, 3, and 12), as well as the attribution of the four departments of the court (salas); criminal (Art. 24), administrative (Art. 25), civil (Art. 26), and labor (Art. 27). An auxiliary department has also been provided for (Transitional Provisions, Art. 2). Further amendments deal with the jurisdiction of Circuit Courts (Ch. II, Arts. 31 and 36; Ch. III bis, Art. 2 bis, 7 bis, and 8 bis), and District Courts (Ch. IV, Arts. 38 to 44). Ch. VII, Art. 71 deals with judicial circuits.

The federal Criminal Code, enacted in 1931, and applicable as general criminal law for the federal district and territories, and in federal matters throughout the Republic, has been amended (D. O. March 8, 1968). Amendments deal, among other things, with crimes committed by unorganized groups of more than three persons (Arts. 306, 309); and frauds in connection with land deals (Art. 387, XIX), particularly with condominiums (id., XX). The most significant changes deal with narcotics (Art. 194), the exclusion of probation for narcotics traffic (Arts. 195, 197). Special provisions apply to druggists and other professionals dealing in narcotics (Art. 196).

The Organic Law to Arts. 103 and 107 of the Federal Constitution, enacted in 1951, regulating amparo, was amended by decree (D. O.
April 30, 1968). Affected are articles 19, 65, 72, 74, 84, 92, 105, 114, 158-167, 170, 185, and 192-197 bis.

Articles 145 and 145 bis of the federal Criminal Code punishing "social desintegration" are under increasing attack, and demands have been made for their complete elimination. The reforms are urged principally by political extremists as violative of constitutional guarantees of free speech. A clearer definition of the crime is demanded.

NETHERLANDS WEST INDIES

The ruling N.P.S., considering the Charter for the Kingdom of the Netherlands (1954) only a phase in the movement toward independence, declared in 1968 in favor of dominion status patterned after the Anglo-Saxon model.

The Control of Credit System Bill (1968), gave the Central Bank the task to promote the stability of the Surinam currency through the development of a sound banking and credit system, and the control of banking and other credit organizations to assure their solvency and liquidity.

NICARAGUA

A new general law to regulate insurance institutions is being discussed. Main problems involve foreign insurance companies.

PANAMA

Legislation regarding the use of coastal areas has been modified by Decree No. 70 (1968), limiting licenses to 25,000 square meters for periods not to exceed 20 years.

The status of aliens has been modified by Law No. 6 (1968), establishing the requirement of a provisional permit to remain in the country.

PARAGUAY

An agreement, prepared by the Mixed Navigation Commission on the subject of river navigation has been signed by Paraguay and Argentina.

A free zone has been established in Antofagasta as a result of a treaty with Chile. Imports originating in Paraguay will be free from any imposts unless they are exported from the free zone into Chile. Chile has also agreed to allow the establishment of industrial concerns in the zone under conditions to be agreed upon at a later date.

Arrangements are planned for select European immigration of qualified and experienced farmers.
PERU

A new law regulating negotiable instruments (titulos valores) was enacted. Law No. 16.587 (1967) replaces pertinent provisions in the Commercial Code of 1902.

A commission to reform the Commercial Code was established by Law No. 6.606 of 1929, and implemented by Decree Law No. 14,534. To date two of the Commissions' drafts have been enacted: (1) the law on commercial associations (Law No. 16.123 of 1966), and (2) the law of negotiable instruments mentioned above.

A bill, dealing with repression of economic crimes, particularly in the areas of monopolistic practices and speculation with foreign currency, was presented by the Administration to the Congress in 1968.

A commission to prepare a new law regulating waters was appointed by Supreme Decree No. 141-A (1957). The present law dates from 1902.

General rules for administrative proceedings were enacted by Supreme Decree No. 0006-SC (1967).

Regulations concerning merchandise in transit on international flights are found in Supreme Resolution No. 157-68-H (1968).

Insurance contracts with foreign insurance companies not established in Peru, are subject to a new tax of 35% of the premiums, according to Supreme Decree No. 22-68-H (1968).

Tax advantages have been granted, among others, to the petrochemical and fertilizer industry (Supreme Decree No. 25-68-H, 1968), to the hotel industry (Supreme Decree No. 28-68-H, 1968), and to new mining enterprises (Law No. 16,892, 1968).

A National Securities Commission has been established by Law No. 17.020 (1968) to supervise the stock market, stock exchanges, and stock brokers.

Supreme Decree No. 217-68-HC (1968) exempts corporations active in the tourist industry from practically all taxes and grants the right to reinvest up to 100% of income. A similar tax privilege is extended to corporations producing and exporting goods which are not traditionally marketed by Peru abroad (Supreme Decree No. 227-68-HC, 1968), and to corporations involved in the food industry (Supreme Decree No. 068-68-FO, 1968).

Foreign investments in the construction industry will be hampered by Decree No. 347-68-HC (1968) granting Peruvian companies, i.e., owned by Peruvians or aliens with more than five years residence in Peru, or companies in which nationals own no less than two-thirds of the stock, considerable benefits.
Limitations have been imposed upon purchases of international air travel tickets on credit by Supreme Decree No. 185-68-HC (1968) which requires 25 to 50% payment in cash, depending on the medium of exchange used, soles or dollars.

Transfers of funds abroad are subject to a 1% tax according to Supreme Decree No. 216-68-HC (1968).

TRINIDAD & TOBAGO

Bills presently before the legislature deal with corporations, custom brokers, civil aviation, and highways.

The Crown Liability and Proceedings Act (No. 17, 1966), similar to the Federal Tort Claims Act in the U.S., has been signed into law after a delay of two years.

The Immigration Bill submitted to the House of Representatives prohibits entry into Trinidad & Tobago to those persons "reasonably suspected" of advocating the violent overthrow of lawful governments.

The National Lotteries Control Board Bill has passed both Houses.

The Divorce Law limiting the grounds to adultery is under increasing attack. However, new regulations approved recently by the Governor General provide for formal proceedings regarding Muslim couples before a five member Council of Divorce which replaces the Divorce Officers. The petition to the Council must stipulate one of the divorce grounds; adultery, sodomy, cruelty, insanity, desertion, or incompatibility.

In his address to the People's National Movement Convention (September 30, 1968) the Prime Minister, Dr. E. Williams, listed the most significant legislative achievements supporting his development program. These were establishment of a Central Bank in 1964, followed by the passing of the Commercial Banking Act, 1964; the adoption of the Insurance Act and the Finance Act, both in 1966, as well as the subsequent modification of the Finance Act; the recognition of the Agricultural Development Bank, and the Industrial Development Corporation; the establishment of the Public Utilities Commission, the Prices Commission, and the Ministry of Planning and Development, all in 1968. A Social Insurance Scheme is due to become effective in 1969. Amendments are planned to the Aliens Landholding Act (1967) providing that licenses shall be given only "in such a manner as to prevent an undesirable rate of alienation to non-nationals of the country's land resources." Furthermore, licenses for hotels shall be granted on the "basis of long-term leases rather than an outright sale of freehold interest." A comprehensive revision of the Industrial Stabilization Act (1968) is under way. A Television Act will be introduced aiming at
elimination of foreign control over programs and ownership. Similarly, foreign control over external communications will be challenged. The planned National Petroleum Company shall become the government's "instrument for participating in all aspects of petroleum ventures, including the leasing of marine concessions and the financing of enterprises engaged in oil production." Concerning taxation, the Prime Minister noted a sharp increase in indirect taxation to check consumption, particularly of foreign imports. However, the question of new oil taxation remains open.

The status of illegitimate children determined by a law patterned after the United Kingdom Family Provisions Act of 1938 is being criticized. More than half of all children born in Trinidad & Tobago are illegitimate and consequently deprived, not only of basic equality, but also of the right to claim financial support from the estate of their father.

A bill for the establishment of an Ombudsman will be submitted to the next legislative session on the petition of the Trinidad and Tobago Bar Association.

VENEZUELA

Extensive regulations to the income tax law have been issued by Decree No. 1.062 (1968).

Norms for travel agencies and tourist promotion have been adopted by Resolution No. 28.563 (1968). A license from the Ministry of Development is required.

The Bank for Agriculture and Cattle Industry established in 1928, has been reorganized by Law No. 28.670 (1968). The bank was established to help small and medium farmers, particularly those organized in cooperative or similar associations. It will accept as security the pledge of animals, products, machines and other agricultural implements which may remain in the possession of the debtor.

UNITED STATES

The operation of the Export-Import Bank of the United States has been extended to June 30, 1973. The ceiling amount of loans, guarantees, and insurance outstanding at any one time has been raised from $9 billion to $13.5 billion. The bank may now provide credit to underdeveloped countries for the purchase of arms when the President decides that such a transaction would be in the national interest. P.L. 90-267, 82 Stat. 47.

The Export-Import Bank is now authorized to lend, guarantee, and insure programs in support of U. S. exports which the Bank believes
“offer sufficient likelihood of repayment . . . .” This is a relaxation of the requirement of “reasonable assurance of repayment.” This new provision is good for only $500 million worth of loans, guarantees, and insurance. This amount is not an addition to the $13.5 billion ceiling authorized by P. L. 90-267, mentioned above. The full amount of the loans, but only 25% of the guarantees and insurance, will be set off against the $500 million limit. P. L. 90-436, 82 Stat. 450.

The Inter-American Development Bank Act has been amended by adding a section which authorizes the U. S. Governor of the bank to cast a vote for an increase in the authorized capital stock of the bank, and to agree on behalf of the U. S. to subscribe its proportionate share, some $411,760,000 of the $1 billion increase. The amount will be appropriated in two installments by 1970. P. L. 90-325, 82 Stat. 168.

The Secretary of Agriculture has been authorized to co-operate with all countries of Central America in eradicating foot and mouth disease where, in his judgment, such action is necessary to protect the livestock and related industrial interests of the U. S. Arrangements for such co-operation are to be made through the State Department. P. L. 90-388; 82 Stat. 294.

About $112,800,000 has been appropriated for use by the Peace Corps in 1969. This amount will cover the cost of training 9,200 new recruits in the program. P. L. 90-362, 82 Stat. 250.

The Agricultural Trade Development and Assistance Act of 1954 authorized the Commodity Credit Corporation to sell U. S. agricultural surpluses to foreign countries for non-convertible currency. This act has been amended to permit the President to assure convertibility of up to 50% of the foreign currencies received by the Corporation and its contractors. The purpose of the amendment is to allow the converted funds to be used for payment of wages earned in connection with development and completion of public improvements in the purchasing country. Other new provisions dictate the uses to which the non-convertible currencies may be put, to wit, not less than 5% of the currency acquired is to be used for voluntary population control within the country, and at least 2% is to be used for education and cultural exchange. P. L. 90-436, 82 Stat. 450.

A new law limits the validity of a U. S. passport to five years. The Secretary of State may limit the duration even further with good cause. This law changes the old system of the three year passport with the two year renewal. The purpose of the law is to eliminate unnecessary paperwork and coincides with the international trend which favors a five-year period. P. L. 90-428, 82 Stat. 446.
Puerto Rico

The draft for a new Criminal Code, prepared by two professors of the Faculty of Law of the University of Puerto Rico, has been submitted to the Legislative Assembly. The new Criminal Code is expected to replace the present Code (1902), patterned after the California code of 1873.

Virgin Islands

In the 1968 regular session, the Virgin Islands Legislature, among other matters, adopted acts dealing with compensation for criminal victims, harassment by telephone, or mail, regulation of billboards, the racing commission, television, preservation of farmland, animal protection and control, garnishment of wages, wage controls, and, some professions, such as architecture, engineering, land surveying, and optometry. A special session of the Legislature established a Department of Conservation and Cultural Affairs, and dealt with the training of administrative personnel, driver education, drunk driving, and loitering. The special session also established the post of Elected Representative of the People of the Virgin Islands, to Washington, D. C. Amendments to existing laws affected the stamp tax, workmen's compensation, the Board of Education, election rules, barbers, control of firearms and ammunition, admission to the bar, public employee pay, and, drivers' liability insurance.

It may be added that the Uniform Commercial Code has been in force in the Virgin Islands since 1965.