

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Folder Title:

Summit Judicial Center

Staff Office-Individual:

Special Envoy for the Americas-McLarty, Thomas (Mack)

Original OA/ID Number:

CF 1043

Row:	Section:	Shelf:	Position:	Stack:
26	6	10	3	v

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Meeting to Discuss Action Items Regarding the Area of Strengthening Judicial Systems for Santiago Summit - Acceptances [partial] (1 page)	ca. 12/1997	b(6)

COLLECTION:

Clinton Presidential Records
Special Envoy for the Americas
McLarty, Thomas (Mack)
OA/Box Number: CF 1043

FOLDER TITLE:

Summit Judicial Center

2009-1155-F
ke2588

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

LEGAL BULLETIN

DEPARTMENT OF LEGAL COOPERATION
SECRETARIAT FOR LEGAL AFFAIRS

April 1998
No.2

Second Summit of the Americas

The democratically-elected Heads of State and Government of the countries of the Americas have met in Santiago, Chile, from April 18 to 19, 1998, in order to continue the dialogue and strengthen the cooperation they began in Miami, in December 1994.

The Heads of State and Government reaffirmed their commitment to continue to promote the overall development of the countries of the Hemisphere. In particular, they adopted the Declaration of Santiago and the Second Summit of the Americas Plan of Action, containing the Summit mandates. These mandates are intended to ensure access to and improve the quality of education, promote and strengthen democracy and the respect for human rights, deepen economic integration and free trade and eradicate poverty and discrimination.

In accordance with the Summit Mandates, the OAS, acting as a political and technical forum, has been instructed to report on the execution of this Plan to the Government representatives and follow-up on the commitments of the Summit of the Americas. Some of the mandates seek to develop and strengthen the hemisphere's commitments to improve the capabilities of the justice systems by increasing judicial and juridical cooperation.

Given the importance of these mandates, some of the most important initiatives from the Santiago Declaration and of the Plan of Action are included below.

TABLE OF CONTENTS

Second Summit of the Americas.....	1
Santiago Declaration.....	1-3
Ministers of Justice of the Americas Meet under the OAS Auspices	3
Meeting of Government Representatives on Election Campaign Contributions	4
Adoption of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials	4
OAS discusses a draft Convention to Eliminate Discrimination by Reason of Disability	5
Meeting of the Inter-American Judicial Committee	6
Preparation for the Sixth Inter-American Specialized Conference on Private International Law (CIDIP-VI).....	6
Brazil Installs Court of Commercial Arbitration.....	7
Department of Legal Cooperation Co-Sponsored a Conference on Resolving Disputes in the Global Marketplace	7
Legal Cooperation in the Framework of OAS Cooperation	8
Guidelines for the Preparation of Inter-American Legal Instruments	8
Recent Publications Prepared by the Secretariat for Legal Affairs	9
Calendar of Activities	10

Santiago Declaration

General Principles:

The strengthening of democracy, political dialogue, economic stability, progress towards social justice, the extent to which our trade liberalization policies coincide, and the will to expedite a process of ongoing Hemispheric integration have made our relations more mature. We will redouble our efforts to continue reforms designed to improve the living conditions of the peoples of the Americas and to achieve a mutually supportive community.

Strengthening and Modernizing Hemispheric Institutions:

Recognizing the importance of, and positive role played by hemispheric institutions, particularly the Organization of American States (OAS), we instruct our Ministers to examine the strengthening and modernizing of these institutions.

Economic Integration and Free Trade:

Since our meeting in Miami, we have seen real economic benefits in the Americas resulting from more open trade, transparency in economic regulations, sound, market-based economic policies, as well as efforts by the private sector to increase its competitiveness...The overall course in the Americas has been one of faster economic growth, lower inflation, expanded opportunities, and confidence in facing the global marketplace. A major reason for this positive record has been our countries' steadfast and cooperative efforts to promote prosperity through increased economic integration and more open economies... A positive role is being played by sub-regional and bilateral integration and free trade agreements. We are confident that the Free Trade Area of the Americas (FTAA) will improve the well-being of all our people, including economically disadvantaged populations within our respective countries...Globalization offers great opportunities for progress to our countries and opens up new areas of cooperation for the hemispheric community...Today, we direct our Ministers Responsible for Trade to begin negotiations for the FTAA, in accordance with the March 1998 Ministerial Declaration of San Jose. We reaffirm our determination to conclude the negotiation of the FTAA no later than 2005, and to make concrete progress by the end of the century...We note with satisfaction the preparatory work by the Ministers Responsible for Trade over the past three years which has strengthened our trade policies, fostered understanding of our economic objectives and facilitated dialogue among all participating countries. We appreciate the significant contribution of the Inter-American Development Bank (IDB), the Organization of American States (OAS), and the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), acting as the Tripartite Committee... We believe that economic integration, investment, and free trade are key factors for raising standards of living, improving the working conditions of the people of the Americas and better protecting the environment. These issues will be taken into account as we proceed with the economic integration process in the Americas.

Education:

Education is the determining factor for the political, social, cultural, and economic development of our peoples. We undertake to facilitate access of all inhabitants of the Americas to preschool, primary, secondary, and higher education, and we will make learning a lifelong process. We will put science and technology at the service of education to assure growing levels of knowledge and so that educators may develop their skills to the highest level...In order to consolidate and lend continuity to our decisions, we have instructed that another Conference be held in Brasilia, Brazil, in July of this year.

Democracy:

The strength and meaning of representative democracy lie in the active participation of individuals at all levels of civic life...Respect for and promotion of human rights and the fundamental freedoms of all individuals is a primary concern of our governments. In commemorating the fiftieth anniversary of the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights, we agree on the need to promote the ratification and implementation of the international agreements aimed at preserving them and to continue strengthening the pertinent national and international institutions. We agree that a free press plays a fundamental role in this area and we reaffirm the importance of guaranteeing freedom of expression, information, and opinion. We commend the recent appointment of a Special Rapporteur for Freedom of Expression, within the framework of the Organization of American States.

Judicial Administration:

Confident that an independent, efficient, and effective administration of justice plays an essential role in the process of consolidating democracy, strengthens its institutions, guarantees the equality of all its citizens, and contributes to economic development, we will enhance our policies relating to justice and encourage the reforms necessary to promote legal and judicial cooperation. To that end, we will strengthen national entities involved in the study of the administration of justice and expedite the establishment of a hemispheric center for studies on this subject.

Overcoming Poverty:

Overcoming poverty continues to be the greatest challenge confronted by our Hemisphere...We are determined to remove the barriers that deny the poor access to proper nutrition, social services, a healthy environment, credit, and legal title to their property. We will provide greater support to micro and small enterprises, promote core labor standards recognized by the International Labor Organization (ILO), and use new technologies to improve the health conditions of every family in the Americas, with the technical support of the Pan-American Health Organization (PAHO), achieving greater levels of equity and sustainable development.

Confidence and Security Building Measures: Fight against Corruption, Terrorism, Drugs, and Illicit Manufacturing and Trafficking of Firearms

We will continue to foster confidence and security among our countries through such measures as those mentioned in the Santiago and San Salvador Declarations on Confidence- and Security-Building Measures. We encourage the pacific

settlement of disputes. We will lend new impetus to the struggle against corruption, money laundering, terrorism, weapons trafficking, and the drug problem, including illicit use, and work together to ensure that criminals do not find safe haven anywhere in the Hemisphere. We are determined to persevere in this direction. In forging an alliance against drugs and applying the Hemispheric Anti-Drug Strategy, we welcome the start of formal negotiations at the May 4 meeting of Inter-American Drug Abuse Control Commission (CICAD) to be held in Washington within the framework of the Organization of American States (OAS), to establish an objective procedure for the multilateral evaluation of actions and cooperation to prevent and combat all aspects of the drug problem and related crimes, based on the principles of sovereignty, territorial integrity of States, shared responsibility, and with a comprehensive and balanced approach.

Environment:

We will strengthen national, hemispheric, and international efforts aimed at environmental protection as a basis for sustainable development that provides human beings a healthy and productive life in harmony with nature. The commitments undertaken at the Miami Summit and the Summit on Sustainable Development held in Santa Cruz de la Sierra, Bolivia, provide a solid basis for strengthening our actions. As parties to the United Nations Framework Convention on Climate Change, we underscore the importance of working together to further fulfillment of the agreement reached at the Conference in Kyoto, Japan, and to promote its ratification in our countries. Moreover, we will work closely to make preparations for a Conference of the Parties to be held in November of this year in Buenos Aires, Argentina. We acknowledge that the development of energy links between our countries and the intensification of trade in the energy sector strengthen and foster the integration of the Americas. Energy integration, based on competitive and transparent activities, and in compliance with national conditions and objectives contributes to the sustainable development of our nations and to the improvement of the quality of life of our people with minimum impact on the environment.

Ministers of Justice Meet under OAS Auspices

Ministers of Justice of the Americas met under OAS auspices in Buenos Aires, Argentina, from December 1 to 3, 1997. The General Assembly of the Organization of American States, at the initiative of its Secretary General, Cesar Gaviria, adopted resolution AG/Res. 1482(XXVII-0/97), which recognized the importance of convening a meeting of the Ministers of Justice. In addition, the resolution requested the Permanent Council to make

preparations for this meeting. This event was attended by 79 high-level government representatives, as well as OAS permanent observers and representatives of Inter-American specialized organizations.

The Secretariat for Legal Affairs of the General Secretariat prepared the document entitled *Legal and Judicial Cooperation in the Americas* for presentation at the meeting.

This document gives an overview of the most important Inter-American Conventions on judicial cooperation; identifies Inter-American Conventions on legal and judicial cooperation; lists the countries that have already adopted them; describes other forms of legal and judicial cooperation to be implemented in the Americas; catalogues Inter-American treaties on juridical and judicial cooperation; and, determines the role the OAS could play in carrying out mandates concerning legal and judicial cooperation.

The Ministers accepted the offer of the Government of the Republic of Peru to host their second meeting, which will be held during the second half of 1998. □

Strengthening of Justice Systems and Judiciary

"Governments will develop mechanisms that permit easy and timely access to justice by all persons, with particular reference to persons with low income, by adopting measures to enhance the transparency, efficiency and effectiveness of the courts... Will promote, develop and integrate the use of alternative methods of conflict resolution in the justice system. Step up efforts to combat organized crime, and transnational crime... Expedite the establishment of a justice studies center of the Americas... Request the Ministers of Justice or other competent authorities to analyze and define the most suitable actions for the organization and establishment of such center... Promote, in accordance with the legislation of each country, mutual legal and judicial assistance that is effective and responsive, particularly with respect to extraditions, requests for the delivery of documents and other evidentiary materials, and other bilateral or multilateral exchanges in this field, such as witness protection arrangements. Support the convening of periodic meetings of Ministers of Justice and Attorneys General of the Hemisphere within the framework of the OAS." Plan of Action, 1998.

Preserving and Strengthening
Democracy, Justice and Human
Rights

"The strengthening of democracy, justice and human rights is a vital hemispheric priority... We endorse new initiatives designed to deepen our commitment to these important principles. Specifically, we will intensify our efforts to promote democratic reforms at the regional and local level, protect the rights of migrant workers and their families, improve the capabilities of our justice systems and labor ministries to respond to the needs of our peoples, and encourage a strong and active civil society. We further resolve to defend democracy against the serious threats of corruption, terrorism, and illegal narcotics, and to promote peace and security among our nations. Taken together, these measures consolidate our democratic gains, reaffirm our commitment to democratic institutions, and commit us to building a Hemisphere of shared values." Plan of Action, 1998.

**Meeting of Government
Representatives on Election Campaign
Contributions**

Pursuant to a mandate from the last OAS General Assembly, and at the initiative of the Government of Venezuela, a meeting of government representatives was held in Caracas, on February 16 and 17, 1998, to discuss the issue of election campaign contributions.

The meeting was attended by the Secretary General of the OAS and

the Venezuelan Minister of Foreign Relations, as well as other distinguished participants.

The purpose of the meeting was to allow for an exchange of experiences that might help each country to adopt or develop domestic rules governing contributions to election campaigns. A further purpose was to coordinate efforts and develop mechanisms for international cooperation in this area.

At the meeting, the Secretariat for Legal Affairs presented a provisional compilation of national legislation provided by the Permanent Missions dealing with the issue. In accordance with the recommendations, the Secretariat for Legal Affairs has been assigned the task to complete this compilation of legislation.

Government representatives decided to offer all the support necessary to Member States including technical assistance in developing model legislation and comparative legal studies. The representatives agreed to exchange information and experiences among the institutions responsible for supervising electoral campaigns and controlling illegal financing across national borders. In addition, Member States will receive support for holding meetings of academic and citizens' groups to examine the problems arising from election campaign contributions.

The Permanent Council of the OAS, through its Committee on Juridical and Political Affairs, will

keep the issue under consideration and convene another meeting to continue with an assessment on electoral campaign financing. □

Financing of Electoral Campaigns

"Governments will: Propose the exchange of experiences that may be used as a support for each country so that, according to their own realities and legal systems, they adopt or develop internal rules that regulate contributions to electoral campaigns and independent internal control mechanisms. Consider the proposals resulting from the Meeting of Government Representatives... Adopt or consider, as appropriate, measures to prevent financial contributions to electoral campaigns derived from organized crime and drug trafficking. Similarly, they will promote the adoption of measures designed to ensure transparency in the origin of all contributions." Plan of Action, 1998.

**Adoption of the Inter-American
Convention Against the Illicit
Manufacturing of and Trafficking in
Firearms, Ammunition, Explosives, and
other Related Materials**

On November 13 and 14, 1997, the General Assembly convened for a two-day Special Session to approve the *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials*. The Convention was signed by twenty-nine OAS Member

States. President Bill Clinton of the United States and President Ernesto Zedillo were among those present at the signing ceremony.

The process had begun with a proposal that had been made by Mexico to the Rio Group in September, 1996. The draft of the Convention adopted by the Rio Group in March, 1997 was submitted to the Permanent Council of the OAS for its consideration. The Council formed a Working Group presided over by the Permanent Representative of Mexico, Ambassador Carmen Moreno Del Cueto. The Working Group held several meetings with the participation of high-ranking officials from Member States which culminated in the approval of the draft of the Convention that was ultimately adopted last November.

At the Opening Ceremonies of the Special Session of the General Assembly, Secretary General Cesar Gaviria, praised the efforts of the Working Group by noting that the, "the Convention was negotiated in record time... the process shows that the OAS is a flexible and dynamic organization, and that it has the institutional strength to provide effective support for government initiatives and to respond promptly to the needs of its members".

The Convention is the first international instrument of its kind designed to prevent, combat and eradicate illegal trafficking in firearms, ammunition, explosives, and other related materials. It requires states that have not already done so to adopt the necessary legislative measures to criminalize these offenses under their domestic law.

The Convention requires that, upon manufacture, firearms be marked with the name and place of the manufacturer as well as a serial

number. Imported firearms must also identify the name and address of the importer. In addition, states must establish and maintain an effective system to license or authorize the export, import and transit of the defined materials.

The Convention promotes the exchange of information, technical assistance, training, and mutual legal assistance among the states. In order to realize its objectives, a Consultative Committee will be established, comprised of one representative from each State Party. This Committee will become operative after ten states have ratified the Convention. The Convention, however, enters into force thirty days after the second country ratifies it. On February 1, 1998 Belize became the first country to deposit its instrument of ratification. □

OAS Discusses a draft Convention to Eliminate Discrimination by Reason of Disability

On March 3 and 4, 1998, a meeting of experts was held at OAS headquarters to examine the draft of the Inter-American Convention on the Elimination of All Forms of Discrimination by Reason of Disability. The meeting had its origin in Resolution AG/RES. 1487 (XXVII-O/97).

The resolution reiterated the mandate of the Permanent Council to convene such a meeting in order to prepare a draft of the Convention, which would then be submitted to the General Assembly for consideration at its Twenty-Eighth Regular Session. □

Terrorism

"Encourage States that have not yet done so to sign, ratify, or accede to, as appropriate, the international conventions related to terrorism. Convene, under the auspices of the OAS, the Second Specialized Inter-American Conference to evaluate the progress attained and to define future courses of action for the prevention, combat and elimination of terrorism." Plan of Action, 1998.

Prevention and Control of Illicit Consumption of and Traffic in Drugs and Psychotropic Substances and other Related Crimes

"The Governments will strengthen national efforts and international cooperation in order to promote the rapid ratification and entry into force of the Inter-American Convention against the Illicit Production of Trafficking of Firearms; promote the approval and prompt application of the Model Regulations on the Control of Arms and Explosives Connected with Drug Trafficking of CICAD; encourage States, that have not already done so, to adopt the necessary legislative or other measures to ensure effective international cooperation to prevent and combat illicit transnational traffic in firearms and ammunition, while establishing, or strengthening, systems to enhance the tracing of firearms used in criminal activity." Plan of Action, 1998.

Meeting of the Inter-American Juridical Committee (ICJ)

The Inter-American Juridical Committee (IJC), pursuant to the invitation of the Chilean Minister of Foreign Affairs, held its 52nd Ordinary Meeting on March 9-20, 1998, in Chile. Chilean Minister of Foreign Affairs Jose M. Insulza was among the distinguished participants that attended the inaugural Session of this Ordinary Meeting.

The agenda included matters related to the Inter-American efforts to counter terrorism; to enhance economic integration and international trade; to fight and control corruption; to improve the systems of judicial administration; to foster democracy; to conduct the 6th Conference on Private International Law (CIDIP-VI); and to adopt the UN Laws of the Seas and Telecommunications Laws. The Committee is to announce the recent changes to the Declaration of the Rights of Indigenous People.

This Committee serves as an advisory body on legal matters promoting the progressive development and codification of international law. It consists of 11 jurists who are nationals of the Member States and are elected by the General Assembly. The IJC's chair is Eduardo Vio Grossi (Chile), and its vice-chair is Keith Highet (United States). The other members are Jonathan T. Fried (Canada); Joao Grandino Rodas (Brazil); Luis

Marchand Stens (Peru); Brynmor Thornton Pollard (Guyana); Kenneth Rattray (Jamaica); Gerardo A. Trejos Salas (Costa Rica); Olmedo Sanjur (Panama); Luis Herrera Marcano (Venezuela); and Jose L. Siqueiros (Mexico). □

Preparation for the Sixth Inter-American Specialized Conference on Private International Law (CIDIP-VI)

As noted in the last edition of the Bulletin, the General Assembly of the OAS, at its Twenty-Sixth Regular Session held in Panama in 1996, decided to convene the CIDIP-VI. It instructed the Permanent Council to prepare the agenda and set the date and location for the conference.

The Permanent Council, through its Commission on Juridical and Political Affairs, established a Working Group, chaired by Guatemala, to consider the comments on the proposed agenda topics that had been received from Member States. This Working Group met on three occasions and, on February 26, 1998, reported back to the Commission.

At the present time, the tentative agenda for CIDIP-VI is as follows:

1. To develop standardized commercial documentation for free trade, including the revision of the *1989 Inter-American Convention on Contracts for the International Carriage of Goods by Road*, with the incorporation of bills of lading.

2. To identify problems in private international law regarding private international loan contracts, and, in particular, the uniformity and harmonization of secured transactions law.

3. To examine conflict of laws principles concerning contract damages with emphasis on competency of jurisdiction and applicable law with respect to cross-boundary pollution. The agenda also includes the reconciliation of the English, French and Portuguese texts with the Spanish text of the *Inter-American Convention on the Law Applicable to International Contracts*.

Guatemala has offered to host CIDIP-VI; however, the date has not yet been determined. □

Indigenous Populations

"To promote greater participation of indigenous populations in society through adequate access to education, health care, and occupational training, with the aim of improving their standard of living, Governments will proceed with inter-governmental examination within the OAS framework of the 'Proposed American Declaration on the Rights of Indigenous Peoples' prepared by the Inter-American Commission on Human Rights with a view toward the possible adoption of a Declaration." Plan of Action, 1998.

Brazil Installs Court of Commercial Arbitration

On November 24, 1997, the new Brazilian Court of Commercial Arbitration was installed at a formal ceremony held at the Supreme Court in Brasilia. Taken together with the ratification of the Panama Convention and the enactment of the new arbitration Law No. 9.307 of 23 September 1996, Brazil had finally integrated its legal system into the global contemporary legal framework for dispute settlement of international commercial claims.

Vice President of the Republic Marco Maciel presided over the installation ceremony. While a Senator, the Vice President had introduced and lobbied for the new arbitration law No. 9.307 which became known as *Maciel's Law*. The ceremony was part of a day-long Forum on Arbitration and Mediation in the American Continent, organized by the Confederacao das Associacoes Comerciais do Brasil and its 1,600 members Chamber of Commerce. The National Coordinator of the day's events was Dr. Petronio R.G. Muniz, Vice President of the Court. With this recent burst of activity, Brazil has integrated its international legal and international commercial activity into the contemporary world scene.

Approximately two hundred prominent businessmen, lawyers, judges and government officials participated. During the conference, three panels were presented: *Arbitration and Mediation in the Americas Reality and Future Prospects*; *Mediation and Arbitration in MERCOSUR and the Process of Integration in the Southern Cone*; and *Arbitration and Mediation in Brazil*. At the conclusion of the panels, the

Brazilian Court of Commercial Arbitration honored Charles Robert Norberg of Washington, D.C. by making him an honorary member of the Court. The day's events concluded with a reception given by Vice President Maciel at his residence.

The new Maciel Arbitration Law codifies and modernizes the provisions relating to arbitration. For example, Art. 3 includes a clause providing for the arbitration of a future dispute and Art. 13 has details regulating the selection of arbitrators. Art. 21 provides for mandatory conciliation as the first step in an arbitration. In addition, Chapter VI on Recognition and Enforcement of Foreign Arbitration Awards includes provisions which reduces the time and simplifies the process for the enforcement of a foreign arbitration award.

Dr. Muniz is planning a major educational program throughout Brazil in cooperation with the members of the Confederacao das Associacoes Comerciais. His address is Rua Matias de Albuquerque, 223 - Recife-PE, CEP 50010-90- Brasil. □

Free Trade Area of the Americas

"We instruct our Ministers Responsible for Trade to initiate the negotiations for the FTAA, in accordance with the principles, objective, structure, modalities and all other decisions as set out in the San Jose Ministerial Declaration, by convening the Trade Negotiations Committee no later than June 30, 1998 and the Negotiating Groups no later than September 30, 1998." Plan of Action, 1998.

Department of Legal Cooperation Co-Sponsored a Conference on "Resolving Disputes in the Global Marketplace"

On April 2-4, the Secretariat for Legal Affairs, through the Department of Legal Cooperation and the Inter-American Commercial Arbitration Commission, together with the American Bar Association (ABA) Section of Dispute Resolution and a variety of other organizations organized a Conference on "Resolving Disputes in the Global Marketplace." The conference took place in Washington, D.C. and was attended by more than 100 lawyers, law students, judges and others interested in the field.

The conference brought together lawyers from around the world for a discussion of alternative mechanisms for resolving disputes. Topics for discussion included a comparative analysis of the different types of alternative dispute resolution (ADR) mechanisms used around the world, ADR and family law, and a session devoted to the practical consequences of drafting arbitration clauses in international contracts.

Within the Americas, a variety of arbitration laws and mechanisms are currently in place. In Argentina for example, there is now compulsory mediation prior to any lawsuit as per the recently enacted National Mediation and Conciliation Statute No. 24.573. In

addition, Brazil has recently established the Brazilian Court of Arbitration, and Bolivia has enacted new statutes governing ADR. The Honorable Gladys Stella Alvarez, a Judge at the National Civil Court of Appeals in Buenos Aires, indicated that ADR is an effective way to reduce the burden on the judiciary in the region.

On Saturday April 4, 1998, Dr. Enrique Lagos, Assistant Secretary of the Secretariat for Legal Affairs, delivered the luncheon address on the topic of International Trade and ADR.

The conference concluded with sessions on incorporating ADR into an international practice, guidelines for directing an international arbitration and a special simulation exercise devoted to cross-cultural mediation. □

Legal Cooperation in the Framework of OAS Cooperation

The General Secretariat, through the Secretariat for Legal Affairs and the Department of Legal Cooperation, has initiated four legal cooperation projects in various countries of the hemisphere.

The first project involves a series of three workshops to promote the ratification and implementation of the Inter-American Convention against Corruption. These workshops will be conducted in various countries of the Americas.

The second project is on the area of arbitration. It consists of a series of workshops where the participants will share information and their experiences in the field of commercial arbitration. This project includes the participation of both the Inter-American Commission of Commercial Arbitration and the Ibero-American Association of Chambers of Commerce.

The third project is on the area of judicial administration. A seminar will be conducted with the objective to evaluate recent Latin American judicial reforms and analyze their impact.

Lastly, the Department of Legal Cooperation is planning to hold a seminar in Washington, D.C., pursuant to the General Assembly's resolution, AG/Res. 1477/97, adopted last summer in Lima, Peru. It is anticipated that diplomats, government officials and members of the international community will discuss various issues related to the Inter-American legal agenda. □

Cooperation

"With the intention of achieving a greater impact in our national and collective efforts, we charge national agencies and organizations responsible for international cooperation with supporting the preparation and implementation of programs and projects which flow from the Plan of Action." Plan of Action, 1998.

Corruption

"Governments will resolutely support the 'Inter-American Program to Combat Corruption: and implement the actions established therein, particularly the adoption of a strategy to achieve prompt ratification of the 1996 Inter-American Convention against Corruption... Sponsor in Chile a Symposium on Enhancing Probity in the Hemisphere to be held no later than August 1998, in order to consider, among other topics, the scope of the Inter-American Convention against Corruption, and the implementation of the aforementioned program. They will also resolutely support the holding of workshops sponsored by the OAS to disseminate the provisions set forth in the Inter-American Convention against Corruption.. Foster within the OAS framework, and in accordance with the mandate set forth in the Inter-American Program to Combat Corruption, appropriate follow-up on the progress achieved under the Inter-American Convention against Corruption." Plan of Action, 1998.

Guidelines for the Preparation of Inter-American Legal Instruments

During its Twenty-Fifth Regular Session held in Haiti in 1995, the General Assembly of the OAS instructed the General Secretariat, "to prepare draft guidelines covering the entire process of preparation of Inter-American legal instruments." As instructed, the

Secretariat for Legal Affairs submitted its draft guidelines for review to the Inter-American Juridical Committee. This Committee submitted its comments to the Permanent Council. The matter was then referred to the Commission on Juridical and Political Affairs which requested that the General Secretariat prepare a comparison between the draft guidelines and the comments of the Inter-American Juridical Committee. After this comparison was completed, the Commission asked Member States to submit their comments. The Permanent Council is required to report on this matter to the upcoming General Assembly.

Member States have already stressed that the guidelines should be of a recommendatory nature and not binding. In its assessment, the Secretariat for Legal Affairs recognized a series of objectives in the creation of Inter-American legal instruments.

Among these objectives, the guidelines must guarantee the Member States' participation in the treaty making process and ensure the appropriate OAS organ considers the issues that are of greatest importance and urgency to the Member States. Member States' constituents and experts must carefully determine which issues will become part of the legal instrument. The key objective of the guidelines is to ensure that the particular issues to be addressed by the Inter-American legal instruments will further contribute to the development of international law. □

Inter-American legal instruments can be consulted on the webpage of the Secretariat for Legal Affairs:
INTERNET

<http://www.oas.org/EN/PROG/JURIDICO/index.html>

Recent Publications Prepared by the Secretariat for Legal Affairs

Inter-American Convention Against Corruption

The Inter-American Convention against Corruption was signed in Caracas on March 29, 1996. This Convention is the most important collective effort of the Americas to prevent, detect, punish and eradicate corruption. The Department of Legal Cooperation has recently published this legal document.

Publication of the Inter-American Juridical Committee's Courses on International Law

Every August since 1974, the Inter-American Juridical Committee has sponsored an Annual Course on International Law in collaboration with the Secretariat for Legal Affairs and the Getulio Vargas Foundation. These courses are held in Rio de Janeiro in conjunction with the meeting of the Committee and contribute to the professional development of fellowship recipients selected from the OAS Member States. The annual course comprises a lecture series with the participation of distinguished scholars and practitioners in many specialities within both public and private international law. These lectures are published annually by the Committee with the assistance of the Secretariat.

Volume 15 of the "Curso de Derecho" (1995) has just been released and Volume 16 (1996) is expected to be distributed shortly. In addition, an Index has been prepared which covers the published lectures from 1974 through 1996. Limited copies of these publications are available from the Secretariat. □



DEPARTMENT OF LEGAL COOPERATION AND INFORMATION
SECRETARIAT FOR LEGAL AFFAIRS
ORGANIZATION OF THE AMERICAN STATES
19th Street & CONSTITUTION AVE. N.W.
WASHINGTON D.C. 20006
UNITED STATES OF AMERICA



Calendar of Activities

May 5-8	XXIII Regular Meeting CICAD Washington, D.C.
May 11-15	Meeting of CICAD Experts on Control of Money Laundering Washington, D.C.
June 1-3	XXVII Regular Meeting of General Assembly Caracas, Venezuela
August 3-28	XXV Courses of International Law Rio de Janeiro, Brasil

This Legal Bulletin is a publication of the Department of Legal Cooperation and Information with the collaboration of the Secretariat for Legal Affairs and other organisms of the OAS. The subjects herein do not necessarily reflect the opinion of the General Secretariat or the Member States of the OAS. The following contributed in this edition: Magaly McLean, Charles Norberg, Jeannette Tramhel, Dante Negro, Alejandro Aristizabal, John Izzo, Maria Boscio and Jorge García-González.

O A S
50
O E A

THE WHITE HOUSE
WASHINGTON

Rile
-Summit
Judicial
Center

March 23, 1998

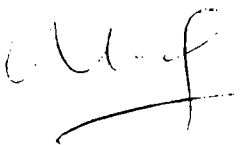
Mr. Justice Breyer
Supreme Court of the United States
Washington, DC 20543

Dear Steve:

Thank you for the up date on your trip to Panama, and I am very pleased that your comments and support for a Inter-American Justice Studies Center were well received. I have enclosed a copy of my speech to the Inter-American Press Association, which underscores the very important points you made in Panama -- namely, that major economic reform simply cannot be sustained without a second generation of reforms strengthening the judicial system and safeguarding human rights. Please know we very much appreciate your interest and help on these important matters.

I look forward to being with you on Thursday at the Inter-American Development Bank program on these very subjects.

Personally,



Enclosure

bcc: Nelson
Anna Maria

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE STEPHEN BREYER

March 19, 1998

Dear Mac,

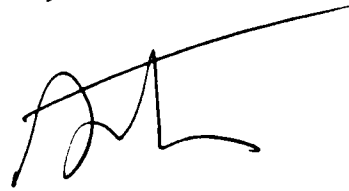
As you can see from
the enclosed article, the
letter from the President
to the Western Hemisphere
Justices was well
received. I think the
kind of support -- for
judicial independence & safeguarding
human rights -- makes
a difference. And >

very much appreciate your
help.

Thank you.

My best -

Yours sincerely,

A stylized handwritten signature, possibly reading 'AL', written in dark ink. A long horizontal line is drawn above the signature, extending from the left towards the right.A small, handwritten mark or signature, possibly a 'U' or a similar character, located in the lower right area of the page.

PLANA 4

LAPRENSA/VIERNES 30 DE ENERO DE 1998

El presidente Clinton felicita a magistrados reunidos en Panamá

José Otero
De La Prensa

El presidente de los Estados Unidos, Bill Clinton, envió un mensaje de felicitación a los magistrados presidentes de las Cortes Supremas de América que se encuentran reunidos en Panamá, y destacó que esta iniciativa fortalece las democracias del continente.

La Organización de Cortes Supremas de las Américas (OCSA) celebra desde el 27 de enero su primera reunión plenaria, la cual debe concluir hoy, cuando se expondrán los acuerdos surgidos en esta reunión hemisférica, en la que se busca fortalecer la independencia judicial.

"Las naciones de todo nuestro hemisferio están buscando ma-

neras de fortalecer el estado de derecho, con el fin de que nuestros pueblos puedan estar seguros de nuestros compromisos mutuos con la democracia y la libertad", expresa Clinton en su misiva.

Un total de 13 presidentes de cortes supremas se encuentran participando de esta cumbre judicial, la cual es presidida por el magistrado Arturo Hoyos.

Destaca el mandatario estadounidense que los poderes judiciales fuertes e independientes son esenciales para la protección de nuestras garantías constitucionales y para la salvaguarda de los derechos individuales.

Añade que esta reunión les brinda una invaluable oportunidad para intercambiar ideas y experiencias y a la vez enfrentar

los desafíos al estado de derecho en América.

"Tales intercambios son de crítica importancia para nuestro futuro como naciones libres y deben ser tanto estimulados como expandidos", enfatizó el presidente Clinton.

El magistrado de la Corte Suprema de Justicia de los Estados Unidos, Stephen Breyer, en su intervención de ayer dijo que aún no se puede permitir que los juicios sean televisados completamente, porque esto puede perjudicar la independencia y la parcialidad en los procesos.

Para hoy se tiene en agenda las exposiciones de los magistrados presidentes de Venezuela, Cecilia Sosa Gómez, y de Perú, Víctor Raúl Castillo, además del ex ministro de Estado colombiano Néstor Martínez.

LA PRENSA/Jorge Fernández



Recepción a juez estadounidense

El juez asociado de la Corte Suprema de Estados Unidos, Stephen Breyer, se dirige en español a los asistentes de una cena que en su honor ofreció anoche el embajador de Estados Unidos, William Hughes. Lo acompañan el embajador Hughes (centro) y el canciller panameño Ricardo Alberto Arias.



Inter-American Development Bank

1300 New York Ave., N.W. Washington, D.C., 20577 • <http://www.iadb.org>

Press Section: (202) 623-1414 Fax (202) 789-2835

Public Information: (202) 623-1397 • E-mail: business@iadb.org

File

- Summit

*- Judicial
Center*

PRESS ADVISORY

March 26, 1998

NR-89/98

Santiago Real de Azua (202) 623-1371

E-mail: santiagor@iadb.org

MCLARTY, RENO AND BREYER AT IDB JUDICIAL REFORM WORKSHOP

Members of the press are invited to attend the closing session of a IDB sponsored workshop on Judicial Reform in Latin America that will take place today, March 26 from 5:00 to 5:30 pm at the Bank's headquarters (1300 New York Ave. NW, Washington, DC), 9th floor.

Thomas F. McLarty III, Counselor to the President and Special Envoy for the Americas, U.S. Attorney General Janet Reno, U.S. Supreme Court Justice Stephen Breyer, and IDB President Enrique V. Iglesias will address the forum and talk about judicial reform in light of the upcoming Summit of the Americas. A reception will follow.

Journalists wishing to attend should contact Pamela Murphy at (202) 623-1414.

THE WHITE HOUSE
WASHINGTON

File
- JIA
Summit
- Judicial
Training

STRENGTHENING OF JUDICIAL SYSTEMS IN THE HEMISPHERE

AGENDA

December 2, 1997

OEOB - 476

3:00 - 4:00 p.m.

- I. Introduction
- II. Discussions on the rule of law and the strengthening of the judiciary in the hemisphere
- III. Summit of the Americas
 - Overview of the Summit of the Americas process
 - Principal themes related to hemispheric judicial systems
- IV. Next Steps
 - Overall Strategy
 - Upcoming events:
 - December 9-11 Washington SIRC
 - December Buenos Aires - Minister of Justice Conference
 - Mid-January Mexico - SIRC
 - Late January Panama - OASCA Meeting
 - Early April Santiago - Pre Summit Meeting
 - April 18-19 - Santiago Summit of the Americas
 - Fall 1998 - Federal Judicial Center Conference
- V. Sources of Funding
- VI. Other Projects/Programs for the Hemisphere
- VII. Follow-up

USG PROPOSED ACTION ITEMS FOR SANTIAGO SUMMIT

II. Preserving and Strengthening Democracy and Human Rights

- Actions in the area of strengthening judicial systems.

Governments will:

- Strengthen their justice systems, including support for the independence and quality of the judiciary, by implementing measures by 2002 to attract, select, and retain superior candidates for judgeships and by supporting efforts by the hemisphere's judiciaries to establish and strengthen, on the international and national level, judicial schools or centers and enhance regular exchanges of information among the judiciaries in the region, such as on the Internet.

RATIONALE

Effective and independent judiciaries are the core elements of the rule of law. They foment confidence and trust in the fairness of government and the effective operations of commercial and financial systems. They resolve disputes between individuals and between individuals and governments by independently ascertaining the facts and applying the law. For democracy to be sustainable over the long term, there must be equitable, accessible and effective court systems presided over by judges seen clearly to be of the highest moral and intellectual caliber, whose impartiality is beyond question. No effort should be spared to recruit and retain such judges, and during their tenure they must have adequate opportunities afforded them to advance their professional knowledge through academic courses and organized exchanges of information with their colleagues in the region.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Meeting to Discuss Action Items Regarding the Area of Strenghtening Judicial Systems for Santiago Summit - Acceptances [partial] (1 page)	ca. 12/1997	b(6)

COLLECTION:

Clinton Presidential Records
Special Envoy for the Americas
McLarty, Thomas (Mack)
OA/Box Number: CF 1043

FOLDER TITLE:

Summit Judicial Center

2009-1155-F
ke2588

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or
financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President
and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of
personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed
of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C.
2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of
an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial
information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of
personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement
purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of
financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information
concerning wells [(b)(9) of the FOIA]

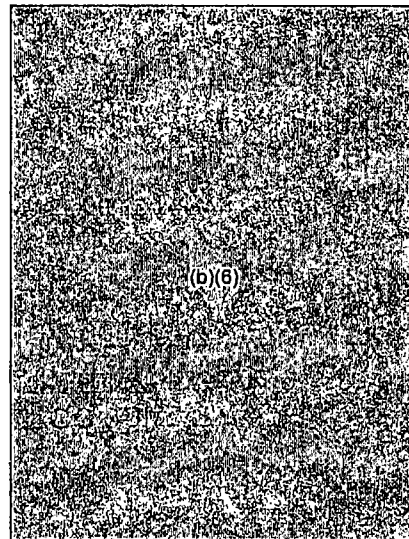
Anna Maria
Call Patrick de
Souza

**MEETING TO DISCUSS ACTION ITEMS REGARDING THE AREA OF
STRENGTHENING JUDICIAL SYSTEMS FOR SANTIAGO SUMMIT**

ACCEPTANCES

Location - Room 476 OEOB
Time - 3:00 p.m. - December 2

Time		Last Name	First Name
3:00 pm	DAS/INL/DOS	Winer	Jonathan
3:00 pm	AID	Parker	Norma
3:00 pm	AID	Williams	Madeleine
3:00 pm	DAAG/DOJ	Seikaly	Daniel
3:00 pm	DOS-Spec. Adv.	Gewirtz	Paul
3:00 pm	Fed. Jud Center	Wheeler	Russell
3:00 pm	Adm. Chief Just.	Duff	James
3:00 pm		Matano	Albert
3:00 pm	Deputy Justice	Onok	Joseph
3:00 pm		Higginson	Stephen
3:00 pm	DOS	O'Bryan	James
3:00 pm	IDB	Bevine	Kelle
3:00 pm	EPSC/ARA/DOS	Brown	Richard
3:00pm	AS/ARA/DOS	Armstrong	Frances
3:00 pm	NSC	DeSouza	Patrick
3:00 pm		Barmon	Ward



in place of Davidow

[001]

updated

THE WHITE HOUSE
WASHINGTON

**OFFICE OF MACK McLARTY****Counselor to the President****Special Envoy for the Americas**

Fax (202) 456-2464

File -

Issues

- Individual
Center

sent

FAX TRANSMITTAL SHEET

TO: Nelson Cunningham

Karen Popp

FAX: 456-2464

6-1055

PHONE:

FROM: Ana Maria SALAZAR

SUBJECT:

DATE: Oct. 1, 1997

NUMBER OF PAGES (Including Cover): 3

MESSAGES:

Per your request

If all pages are not received, please call 202/456-2000.

The document accompanying this facsimile transmittal sheet is intended only for the use of the individual or entity to whom it is addressed. This message contains information which may be privileged, confidential, or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying, or distribution, or the taking of any action in reliance on the contents of this communication is strictly prohibited.



United States Department of State

Washington, D.C. 20520

September 26, 1997

Judge Rya W. Zobel
Director, Federal Judicial Center
One Columbus Circle, N.E.
Washington, D.C. 20002-8009

Dear Judge Zobel:

We are writing to ask your assistance, and that of the Federal Judicial Center, in exploring the possibility of establishing a regional judicial training program in the Western Hemisphere.

The United States has supported judicial training in Latin America for ten years, with much of that support going to the establishment of national judicial schools. Many of these schools are experiencing problems in reaching their intended clientele and maintaining the kinds of programs they would like to have. A regional program would appear to offer some economies of scale, at least with respect to common issues not dependent on national legislation, and could also reinforce national programs. This is an idea we would like to discuss with you to see whether it might not meet some of the continuing needs of judiciaries in the region.

Over the next eight months, the U.S. Executive Branch will have a number of meetings with its counterparts in the Americas concerning justice and law enforcement issues. Such issues were central to President Clinton's summits in Mexico, Costa Rica, and Barbados and will be raised during his trip to Venezuela, Brazil and Argentina in mid-October. At the initiative of the Government of Argentina, the Summit of the Americas in Santiago, Chile, next spring will have on its agenda "strengthening judicial systems and the administration of justice." One of the specific "action items" that the Presidents could endorse is the creation of a regional judicial training program.

With your assistance, we would like to develop a concept of what a regional program might look like and a strategy for consulting officials of other countries about it, through both judicial and diplomatic channels. If it were possible to reach ready agreement on something that the Presidents should do to support an initiative of this kind, language to that effect could

-2-

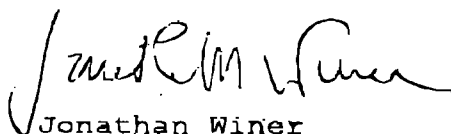
be included in the document to be signed in Santiago. If not, we would be interested in discussing how to improve judicial training in the region in the context of ongoing assistance programs.

We look forward to discussing these issues with you.

Sincerely yours,



Peter F. Romero
Acting Assistant Secretary
Inter-American Affairs



Jonathan Winer
Acting Assistant Secretary
International Narcotics and
Law Enforcement

THE WHITE HOUSE
WASHINGTON

January 26, 1998

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM:

SAMUEL BERGER

② for

SUBJECT:

Presidential Letter to the Organization of
Supreme Courts of the Americas

File

- Summit

*- Judicial
Studies*

Center

Purpose

To approve a letter offering your greetings to the delegates participating in the Organization of Supreme Courts of the Americas ("OSCA") meetings in Panama January 27-31. U.S. Supreme Court Justice Breyer is participating in the meetings on behalf of the American judiciary and would like to carry the letter with him and to communicate its contents.

The letter would also be helpful in setting the stage for advancing a rule of law theme for April's Santiago Summit. Justice Breyer and his colleagues from our judicial branch will be promoting at the OSCA meeting a proposal to establish a hemispheric judicial studies center on which we hope to reach agreement at the Santiago Summit.

RECOMMENDATION

That you sign the letter attached at Tab A.

Attachment

Tab A Letter for Signature

cc: Vice President
Chief of Staff
Mack McLarty

Tab A

THE WHITE HOUSE

WASHINGTON

On behalf of the United States, I send warmest greetings to the delegates to the plenary meeting of the Organization of Supreme Courts of the Americas.

Nations throughout our hemisphere are seeking ways to strengthen the rule of law so that all our peoples may be secure in our mutual commitment to democracy and liberty. To this end, we recognize that strong and independent judiciaries are essential to the protection of our constitutional guarantees and the safeguarding of individual rights.

This gathering offers you an invaluable opportunity to exchange ideas and experiences and will help us all learn how to better address the serious challenges to the rule of law in our hemisphere. Such exchanges are critical to our future as free nations and must be both encouraged and expanded.

I congratulate you on your efforts and wish you success in your important work.

- Summit
- Judicial
Center

January 13, 1997

MEMORANDUM FOR MACK MCLARTY AND JAMES DOBBINS

FROM: Ana Maria Salazar

SUBJECT: Update on the Inter-American Justice Studies Center
cc: Cunningham, Farnsworth, De Souza

Last week I traveled with the US delegation responsible for actively engaging regional countries on the idea of adding the creation of the "Inter-American Judicial Studies Center" as an action item for the Santiago Summit. On January 6 and 7, the US delegation (which included representatives from State, DOJ and the Federal Judicial Center) met with Argentina's Ministry of Justice in Buenos Aires. We agreed with Argentina, the responsible coordinator of justice items for the Summit, that both countries should cosponsor a proposal that calls for Summit governments to promote the creation of the Inter-American Judicial Studies Center.

On January 7, both delegations traveled to Santiago to attend the hastily organized Justice Experts Group meeting, which was surprisingly well attended by 14 countries. Argentina and the U.S. introduced a one-page document describing in broad terms the purpose of the Inter-American Judicial Studies Center. In general terms, the participants were extremely enthusiastic about the proposal, and the discussions revolved around implementation issues such as site, funding, and potential beneficiaries of the Center. I also spoke with Chile's Minister of Justice who supported the proposal and seemed quite interested in participating in further discussions regarding this issue.

The next step includes informal discussions at the Cancun SIRC with those countries that were not present at the Santiago Experts' meeting. Argentina will also provide the Summit organizers with a formal US/Argentine proposal that will be distributed to all countries. We hope to arrive at the March SIRC with language that has been extensively discussed and vetted by each country.

February 4, 1998

MEMORANDUM FOR MACK MCLARTY AND JAMES DOBBINS

FROM: Ana Maria Salazar

SUBJECT: Update on the Inter-American Justice Studies Center
cc: Farnsworth, Cunningham, Ronnel, Lesmez, De Souza

File
- JBar
- Summit
- Judicial Studies
Center

Judicial Meeting in Panama

Justice Stephen Breyer, carrying a letter from President Clinton, led a delegation to the Organization of Supreme Courts of the America's (OSCA) meeting in Panama. The conference had a limited success in addressing substantive issues, since only 13 of the 19 members sent representatives. Among the mayor countries not participating included Argentina and Chile. Ambassador Hughes hosted a reception for the participants and read President Clinton's letter.

Justice Breyer and his delegation held informal discussions with the participants regarding the Summit of the Americas and the adoption of an Inter-American Justice Studies Center. Few of the participants were aware of the proposal. These informal discussions led to the adoption of a text calling on members to inform OSCA on ongoing proposals regarding judicial education.

Funding for the Center

US agencies have identified an initial source of funding for the Center. State/ARA may have up to one million from ESF funds for 1998. USAID has identified 250, 000, from the development assistance funds, also for 1998. IDB believes that they could have up to five million for a five-year program. However, they believe it would take a while (one year) for these funds to be available.

Ana Maria -

This looks quite encouraging

Taking shape in a concrete manner.

I want to tell you I had a good visit w Justice Breyer @ the State of the Union.

Keep me posted as we progress.

Wesley
cc: (C) S
Paci

Wesley

File
-WCF

February 1, 1998

CC: All st-H
FYI
ms

MEMORANDUM FOR THE FIRST LADY
FROM MACK MCLARTY
SUBJECT: Davos Scenesetter

Welcome to Davos. Imagine the UN General Assembly, the Chicago Convention, and Renaissance Weekend all rolled into one, and you'll have some idea of what you'll find here over the next two days. Klaus Schwab has truly succeeded in gathering together world leaders from all walks of life and in creating an atmosphere of creativity, interchange, and informality that makes for a unique and probably unparalleled experience. And all of this in surroundings that rivals Nagano for scenic winter beauty.

We arrived on Thursday morning, and have not stopped since. I participated in a panel discussion entitled "How will Latin America withstand the Asia crisis? (we concluded that it will do just fine), and in a dinner where I spoke on "Commercial diplomacy as the new driving force in world politics." The political leadership of Latin America has shown up in force, and I have had useful bilaterals with Presidents Menem, Frei, and Cardoso, and seen President Zedillo and half of his cabinet members. All of them have asked me to pass on their warmest regards to you and the President, as well as their full personal support for the two of you.

The topic that has seized the imagination of these political and business leaders is, as you might imagine, the Asia financial crisis. Six months ago the planned topic for this conference was a subject close to your heart -- "New Ideas for a New Millenium" -- but world events overwhelmed their planning process and the central topic is now, appropriately, Asia and its turmoil. The majority view among the speakers and participants, somewhat remarkably, seems to be that we have seen the worst in every country but, perhaps, Indonesia. We can only hope that they are right.

Your arrival has been eagerly anticipated, and your speech on Monday night will be the highlight of the Annual Meeting. I spoke last night with President Cotti of Switzerland, and he was still somewhat stunned by the reception to your speech on Saturday. As he told me and everyone else he saw last night, "There was a standing ovation for four minutes -- and we Swiss are not an emotional people."

You have no doubt seen the dinner list for tonight, where you will see many old friends. I will be there and so will Donna Shalala. Rosabeth Moss Kanter and Jon Tisch, among many others, have told me how much they are looking forward to seeing you there.

I have no doubt that you will thoroughly enjoy your time in Davos. Try (if you can and logistics permit) to attend some of the sessions on Monday, which will focus on the 21st century. And try to find time to enjoy the street life, which includes limousines and furs, skiers with their skis, boots and poles on their way to the tram, and Swiss families out for a stroll, all passing on the narrow sidewalks by the cafes and restaurants that look on the mountains.

I look forward to seeing you tonight at John Bryan's Chicago reception, and at Klaus's dinner.

DRAFT

12/8/97 11am

A JUDICIAL STUDIES CENTER FOR THE AMERICAS

This paper provides some preliminary thoughts on how an Inter-American Judicial Studies Center could be established, utilizing existing institutions and taking into account the kinds of support now being requested of international donors by judicial schools in the region.

File
- Summit
- Judicial
Center

Purpose

The purpose of an Inter-American Judicial Studies Center (JSC) would be to reinforce emerging training programs at the national level, to provide training in areas that are not dependent upon national legislation, to serve as a forum for research and discussion of issues that affect judicial performance throughout the region, and to act as a clearinghouse for laws, legal analyses and other materials useful to judges throughout the Americas. The overall objective would be to facilitate professionalization of judges and judicial personnel and to promote and strengthen the independence of judiciaries and the rule of law throughout the Americas.

Rationale

Over the last decade, judicial schools or training programs have developed throughout Latin America and the Caribbean, at both national and departmental or provincial levels. The training offered varies from rudimentary to sophisticated; methodologies and resources vary greatly from country to country as well. However, some common approaches are emerging, and existing schools could be greatly strengthened with the support of a hemispheric center providing technical expertise in judicial matters. The Summit of the Americas should endorse this concept. The Heads of State and Government in the region would work closely with their judiciaries to implement it.

Possible Programs

A central function of the JSC would be to review, improve upon as necessary, and disseminate best practices throughout the region. The Center would sponsor seminars and conferences, provide technical services to courts and affiliated organizations, and collect information of interest to courts. For example, one of the problems being experienced by national judicial schools is the high cost of a centralized training program, both in direct travel costs and lost time on the job. The JSC could help develop more cost effective means of delivering training, including distance instruction, as well as core curricula, model courses and other teaching aids that would then not have to be developed by each school individually.

Areas of instruction suited to a regional approach include management (e.g., dealing with staff or press, the role of chief judges), use of computers and the Internet, and basic legal areas that are not peculiar to particular countries. Judiciaries in the region could also benefit from help in adapting to new economic facts, such as trade treaties, and fundamental procedural changes, such as oral trials and plea bargaining. Specific challenges posed by international crime could be addressed as well.

Another important purpose would be to develop information, through research into judicial trends, to guide individual judiciaries and national governments in making policy decisions about the court system. For example, there is considerable discussion of what constitutes

adequate funding for a judiciary. Research on costs across borders could provide more realistic estimates than what is currently cited in such discussions, namely, what percentage of the national budget goes to the judiciary. Another area for research and policy discussion would be methods of judicial selection.

Electronic bulletin boards and other means of information sharing could facilitate the availability of clearinghouse services through the JSC. The Center would review existing legal databases in the region and determine the feasibility of an on-line inter-American law library of basic legal texts.

Organizational Structure and Governing Board

The JSC would be a membership organization of institutions and individuals sharing its objectives. National judiciaries could join, as well as individual judicial schools or other organizations with an interest in the subject matter, such as universities, law schools, and research centers. Individual members would also be welcome, as some potential key supporters may not have any relevant institutional affiliation.

To minimize recurring costs and facilitate development of permanent funding outside the donor community, the JSC would ideally be based at an existing institution in the region. JSC headquarters would have a small program staff which could contract for additional assistance as necessary to carry out JSC programs. The program would be developed under the guidance of a governing board representative of the diverse membership.

With thirty-four countries potentially participating, the governing board will need to have an agreed system of representation, perhaps through both country and functional groupings. Ideally, it would be a diverse group of judges, training experts, academics, and perhaps some individuals whose primary contribution would be to develop long-term funding for the Center. The governing board would select its officers, determine its rules of procedure, hire JSC program staff, and approve program budgets.

Possible Sites

Among the existing institutions that could host the JSC (or JSC activities) are the many established judicial schools, law schools, universities, and a growing number of research and policy centers working specifically on justice matters. This latter group would include the Legal Research Institute at the National Autonomous University of Mexico, the Caribbean Law Institute at the University of the West Indies in Barbados, the Corporation for Excellence in Justice in Colombia, and the Corporation for University Promotion in Chile. In addition, in Central America, there is a regional judicial school headquartered in San Jose, while judicial schools in the southern cone have established an American Federation of Judicial Schools at the Judicial Studies Center of Uruguay. A majority of national supreme courts are members of the new Organization of Supreme Courts of the Americas, just beginning operations in Panama.

With the variety and growing number of organizations dedicated to strengthening the administration of justice in the region, it will be a sensitive political matter to determine a central site for the JSC. Moreover, given the wide distances between countries and differences in legal systems, it may be desirable to have subregional centers in

sites would be managed as an integrated program, under the aegis of the JSC governing board and the central JSC site.

Funding

For an initial period of time to be determined, probably not to exceed five years, the USG, working with the Inter-American Development Bank, would identify international resources to fund JSC programs. First-year start-up costs are estimated at \$1,500,000. Institutions hosting JSC components or events would be expected to meet their own regular costs, that is, international funding would not be available for "core" costs of existing institutions. Judiciaries benefitting from JSC services would be expected to identify other sources of funding -- be that from their regular budget or private sources, such as foundations or the business community -- with which to sustain the JSC beyond the start-up grants.

Initial Steps

The Summit Communique needs to provide a clear endorsement of this concept by the leaders, describing the relationship between strong judicial systems and the long-term stability of markets and democracies. This statement should recommend the creation of a Judicial Studies Center for the hemisphere that would be designed to meet the needs of judiciaries for the 21st century, by providing training, information sharing, resources and technical assistance, and providing other support as requested by judiciaries throughout the hemisphere.

To prepare the way for implementation of this concept, the Summit coordination process needs to assure communication with both the executive and judicial branches of the Americas.

The U.S. Federal Judicial Center, in conjunction with selected counterparts in Latin America, is beginning to plan a conference on judicial training in the Americas to be held in 1998. Views on the proposed JSC could be solicited of major judicial schools in the region during preparation for the conference, and the conference itself could provide a forum for decision by judicial schools on an initial structure or plan of action to create a JSC.

Simultaneously, the Summit coordination process would ask the executive branches to consult with their judiciaries about this concept, seeking their views on the possibility of adopting more precise language in the Summit communique about strengthening of judiciaries through improved training, multilateral cooperation, and the further development of judicial institutions to promote judicial cooperation throughout the hemisphere.

ARA/PPCP:FArmstrong
12/4/97 rjc.doc

Clinton Presidential Records

Foreign Language Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff to identify the location of a document written in a foreign language

Foreign Language Marker

Collection: Clinton Presidential Records

Subgroup: Special Envoy for the Americas

Series: McLarty, Thomas (Mack)

Subseries:

Document Title Fortalecimiento Del Sistema De Justicia Y De Los
Organos Judiciales

Language: Spanish

Folder Title Summit Judicial Center

OA/ID: CF 1043