

# Inter-American Academy of International and Comparative Law

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## Inter-American Academy of International and Comparative Law

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Already in 1936 the Inter-American Conference on Maintenance of Peace held in Buenos Aires recommended in its Resolution XVIII to establish when possible an American Academy of International Law. The resolution referred to the beneficial results of the activities of the International Law Academy at The Hague and expressed the opinion that there is a need of an Academy in the Americas in order to study matters of particular interest for this continent.

The Inter-American Academy of International and Comparative Law has been founded at the first conference of the Inter-American Bar Association in 1941 with a broader scope than The Hague Academy, the latter not dealing with comparative law. The members of the Council of the Inter-American Bar Association are *ex officio* members of the Curatorium of the Inter-American Academy of International and Comparative Law.

The first president of the Inter-American Academy was George Finch and its seat was at Havana. In 1963 the Academy was transferred to Lima where it remained until 1973. The Inter-American Bar Association decided in August 1973 at its XVIII<sup>th</sup> Conference to transfer the seat of the Academy to Rio de Janeiro. The eminent Brazilian lawyer professor Haroldo Valladao has been elected the President of the Academy.

Several years later this senior scholar was followed by a younger well known Brazilian lawyer Carlos Dunshee de Abranches. I was honoured by the friendship of both of them. Professor Haroldo Valladao was a worldwide appreciated great specialist in international law who even in his very advanced old age remained active until his recent death. The premature death of Carlos Dunshee de Abranches interrupted relatively early his successful scholarly activities.

Dr. Eduardo Gregorini Clusellas of Buenos Aires, the vice-president, is the present president of the Academy.

The Inter-American Bar Association decided at its XXVI<sup>th</sup> Conference held from 9<sup>th</sup> to 15<sup>th</sup> May 1987 in Buenos Aires to establish, in addition to the seat of the Academy located in Rio de Janeiro, five new Centres of the Academy : in Buenos Aires, Mexico, Ottawa, Lima and one in the United States.

The purposes of the Academy, as a centre of advanced studies, are the promotion and development of research on international and comparative law, especially those of interest to the American countries, with a view to strengthening the cooperation and good understanding among the people of these countries.

With a view to attaining these purposes, the Academy, in close cooperation with the Inter-American Bar Association, shall develop a program of scientific and teaching activities, comprising :

(a) The organization of special courses on Public and Private International Law and Comparative Law, especially for students and post-graduates of the Americas, under the guidance of professors of different countries;

(b) The organization of research activities and seminars for the study of the theory, practice, legislation and jurisprudence of the American countries, under the guidance of jurists of recognized competence;

(c) The publication, whenever possible, in book form or in pamphlets, of the texts of lectures delivered at meetings organized by or held under the auspices of the Academy, as well as works of research and seminars conducted by the Academy;

(d) The convocation, when necessary, of scientific meetings for debating and discussing matters of International or Comparative Law, especially those topics which may be of special interest to the American countries;

(e) The collaboration with other institutions to better attain its objectives, acting as a coordinating centre of these activities in the American continent; and

(f) The preparation of studies and works which the Inter-American Bar Association may request.

The courses given in Havana during eleven sessions have been published in eight volumes between 1945 and 1960. Two other volumes contain round table discussions in public international, private international and comparative law.

A special session of the Academy held in 1967 at Lima was devoted to International Organizations for Economic Cooperation and Development.

Two volumes of studies have been published by the Academy in Rio de Janeiro.

What could be the role of the Ottawa Centre of the Inter-American Academy of International and Comparative Law?

Until recently some Canadian lawyers offered their scholarly collaboration in promotion of the aims of the Academy through the Inter-American Bar Association.

Also already prior to the organization of the Ottawa Centre of the Inter-American Academy, Canadian legal scholars lectured in various

American States. Thus speaking only about the recent past and within the framework of the Faculty of Law, Civil Law Section, of the University of Ottawa and of the Canadian Arbitration, Conciliation and Amicable Composition Centre, the latter supported by grants from the Canadian International Development Agency, lectures by Canadian scholars have been given in 1987 at universities and chambers of commerce at Buenos Aires, Argentina, Rio de Janeiro, Brazil, Medellin and Cali, Colombia, Mexico City, Panama and Santo Domingo, while in 1986 such lectures have been given in Miami, United States, Lima, Arequipa and Trujillo in Peru and Bogota and Medellin in Colombia.

The establishment of the Centre of the Inter-American Academy in Canada has been preceded by Canadian initiatives in the cooperation as to legal research and publications. Already at the XIII<sup>th</sup> Conference of the Inter-American Bar Association held at Panama the author of these lines submitted a resolution on the study of the rules on inter-American judicial cooperation which has been unanimously adopted as resolution 8 on 26 April 1963 by the plenary assembly. Subsequently the private international law committee of the Inter-American Bar Association, chaired by the regretted Harry Le Roy Jones of the United States, co-chaired by the regretted Roberto Molina Pasquel of Mexico and by Louis Kos-Rabcewicz-Zubkowski worked on this subject. The Canadian Inter-American Research Institute organized in conjunction with the Canadian Branch of the International Law Association an Inter-American Conference on this subject held from 3<sup>th</sup> to 5<sup>th</sup> June 1966 at the Université de Montréal and at McGill University at Montreal with participation of eminent lawyers from Latin American States, the United States and Canada. Hemispheric studies on international judicial cooperation continued within the framework of the international private law committee, Inter-American Bar Association, chaired by Louis Kos-Rabcewicz-Zubkowski from 1969 to 1981. This inter-American cooperation led to the publication in 1975 by the University of Ottawa Press of a volume titled *International Cooperation in Civil and Commercial Procedure-American Continent* written by 23 authors from 19 American States. The book has been honoured by the first prize of the Inter-American Bar Association and a resolution of the latter called for a publication of its Spanish language version. This book filled a gap in the legal literature.

The Instituto de Investigaciones Jurídicas de la Universidad Nacional Autónoma de México published in 1982 the Spanish language edition by 26 authors from 19 American States, titled *Cooperación inter-americana en los procedimientos civiles y mercantiles* updated and enlarged, including conventions adopted in 1975 by the 1<sup>st</sup> Inter-American Specialized Conference on Private International Law held at Panama and by the 2<sup>nd</sup> Conference held in 1979 at Montevideo.

Another important Canadian initiative resulted in the book in Spanish titled *Cooperación Interamericana en los Procedimientos Penales* written by 18 authors from 16 American States and published in 1983 by the Instituto de Investigaciones Jurídicas de la Universidad Nacional Autónoma de México. Also this book filled a gap in the legal literature and it was also honoured by the first prize of the Inter-American Bar Association.

The Ottawa Centre completed three short studies by Louis Kos-Rabcewicz-Zubkowski : 1 – *Amélioration de la procédure civile et commerciale devant les cours par l'emploi des méthodes utilisées dans la procédure arbitrale*. 2 – *Canada (Commercial Arbitration Laws) in International Handbook on Commercial Arbitration*, International Council for Commercial Arbitration, Prof. Pieter Sanders, general editor. 3 – *La peine dans les droits nord-américains après réception du common law*, rapport général au congrès de la Société Jean Bodin, le 25–30 mai 1987 à Barcelone and a major comparative study *Derecho latinoamericano y español de arbitraje y relaciones comerciales* by 39 authors of 37 articles from 14 American States coordinated by Prof. Louis Perret, Faculty of Law, Civil Law, University of Ottawa.

The inaugural session of the Ottawa Centre has been held on 15 March 1988 at the Faculty of Law (Civil Law), University of Ottawa, in the presence of several ambassadors of American States in Canada and of deans of civil law and common law sections, University of Ottawa.

During the session Professor Louis Kos-Rabcewicz-Zubkowski reported on the past activities of the Academy, Professor Louis Perret on present work of its Ottawa Centre and His Excellency Oscar Maurtua de Romana, ambassador of Peru spoke on Inter-American Cooperation in legal field.

The Session was followed by a vin d'honneur offered by Professor Raymond Landry, dean of the Faculty of Law (Civil Law), University of Ottawa.

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