

SESIÓN DE CLAUSURA

La Sesión de Clausura se celebró el viernes 24 de agosto de 2001 y contó con la presencia de las siguientes autoridades: el Vicepresidente del Comité Jurídico Interamericano, Dr. Brynmor Thornton Pollard, el Secretario General Adjunto de la Organización de los Estados Americanos, Embajador Luigi Einaudi, el Subsecretario de Asuntos Jurídicos de la OEA, doctor Enrique Lagos, el ex-Secretario General de la OEA, Embajador João Clemente Baena Soares, el Director del Departamento de Derecho Internacional de la Subsecretaría de Asuntos Jurídicos, doctor Jean-Michel Arrighi, y el Secretario del Comité Jurídico, doctor Manoel Moletta.

En la ocasión hicieron uso de la palabra el Vicepresidente del Comité Jurídico, doctor **Brynmor Thornton Pollard**, el Secretario General Adjunto, Embajador **Luigi Einaudi** y, en representación del grupo de participantes del XXVIII Curso de Derecho Internacional, la Dra. **María Dolores López Rodríguez**, becaria de Venezuela.

Words of Dr. BRYNMOR THORNTON POLLARD
Vice-president of the Inter-American Juridical Committee

On behalf of the Chairman and my other colleagues on the Inter-American Juridical Committee, I wish to associate us with the welcome extended to the participants on the Committee's Course on International Law. Assistant Secretary General of the Organization of American States, Ambassador Luigi Einaudi and Mrs. Einaudi; Secretary of the Inter-American Juridical Committee, and the Assistant Secretary for Legal Affairs of the OAS and the Director of the Department of International Law, and Ambassador Baena Soares.

We are particularly pleased that despite his other commitments, the Assistant Secretary General, found it possible to be with us on this Course, and to be at its closing exercises. We will all remember his very stimulating contributions to this course. I wish to convey the Chairman's apologies for his unavoidable absence from this occasion, brought about by an unexpected engagement in São Paulo. He has asked me to extend congratulations to the participants on their successful completion of the Course on International Law and his best wishes in their future careers. So you will see that I am occupying this Chair by proxy.

The conduct and importance of the Course on International Law has often times been acclaimed by Representatives of Member States and the Organs of the Organization. We of the Inter-American Juridical Committee are convinced that the benefits to be derived by participants has resulted in keen competition for selection from the candidates nominated by the governments of the Member States. We of the Committee continue to cherish the hope that increase funding by Member States will facilitate an increase in the number of participants in the Course.

I must use this occasion as a fitting member to convey the Committee's

thanks and appreciation to the distinguished lecturers, who gave of their time and their expertise on this Course. I wish also to express gratitude to those dedicated persons here in Rio and in Washington, who are responsible for the organization and day-to-day conduct of the Course and in ensuring that all went reasonable well in fulfilling expectations.

It has occurred to us, the members of the Inter-American Juridical Committee, under whose sponsorship the Course on International Law is conducted, that participants in the Course may not be fully aware of the status of the Juridical Committee within the structure of the OAS and its functions. This realization perhaps prompted the Chairman of the Committee in his remarks yesterday to promise to furnish some information on the Committee and its functions.

The Inter-American Juridical Committee dates back to the resolution adopted by the Third American Conference, which was held in Rio de Janeiro in 1906, which established the International American Jurisconsultancy Committee on the 23rd August. In October 1939, during the Meeting of the Ministers of Foreign Affairs of the American Republics held in Panama, the body was renamed as Inter-American Neutrality Committee. Finally, the Third Meeting of the Ministers of Foreign Affairs of the American Republics, which was held in Rio in January 1942, transformed the Inter-American Neutrality Committee into the Inter-American Juridical Committee, as it is now called.

The Committee consists of eleven jurists from Member States, elected by the General Assembly of the Organization from a panel of three candidates presented by the States, and they are elected for four-year terms of office. They may be reelected and the Chairman and Vice-Chairman are elected for two-year terms of office.

Article 99 of the Charter of the Organization provides that and quote: "The purpose of the Inter-American Juridical Committee is to serve the Organization as an advisory body on juridical matters, to promote the progressive development and codification of international law and to study juridical problems related to the integration of the developing countries of the hemisphere. And insofar as may appear desirable, the possibility of attaining uniformity in their legislation."

Article 100 provides that "the Committee shall undertake studies and preparatory works assigned to it by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs or the Councils of the Organization. And it may also, on its own initiative, undertake such studies and preparatory work as it considers advisable and suggest the holding of specialized juridical conferences. Article 102 expressly states that the Committee represents all of the Member States of the Organization and has the broadest possible autonomy."

Article 103 enjoins the Committee "to establish cooperative relations with universities, institutes and other teaching centers, as well as with national and

international committees and entities devoted to the study, research, teaching or dissemination of information on juridical matters of international interest. And the Rules of Procedure of the Committee in Article 5 mandates our Committee to study the juridical problems related to the integration of the developing Member States in the economic, social, educational, scientific and cultural fields, in accordance with the standards set out in the Charter of the Organization. And the Committee is also mandated to study the possibility of attaining uniformity in the legislation of Member States, in the above mentioned fields."

Article 6 of the Rules of Procedure also empowers the Committee "to carry out on its own initiative studies and preparatory work that it considers advisable and to suggest the holding of specialized meetings and conferences of an international character." Besides, I refer to Article 7 of the Rules of Procedure which authorizes the Committee "to establish cooperative relations within the hemisphere or outside with universities, institutes and other teaching centers, with bar associations and other associations of lawyers and with national and international committees, organizations and entities devoted to the development or codification of international law or to study, research, teaching or dissemination of juridical matters of international interest."

Our Committee has established the relationship with the International Law Commission and one of its members makes an annual presentation of the work of the Committee to the Commission. In this regard, I welcome again the presence of Ambassador Baena Soares. The Committee also presents and reports its work annually to the General Assembly of the Organization, through the General Committee.

Our Committee has pledged its cooperation in furthering the work of the Meeting of Ministers of Justice, Ministers and Attorneys-General of the Organization, as well as the programs of the recently established Judicial Studies Center of the Americas. The seat of our Committee is here in Rio. This is provided for in Article 13 of the Rules of Procedure, and there are two meetings of the Committee, which are held annually, extending over a period of six weeks altogether. Meetings may however be held in any of the Member States with the approval of at least six members of the Committee and with the agreement, of course, of the Member States.

This presentation of mine was intended to give you an overview of the structure and functions of the Juridical Committee. It was not intended to dominate these proceedings. This occasion belongs to you, the participants. I will therefore confine myself to just giving a brief enumeration, very brief, of some of the important topics on which our Committee deliberated over the past 5 to 6 years. In some cases made firm recommendations to Member States. These are: improving the administration of justice, providing guidelines to Member States on the implementation of the Inter-American Convention against Corruption, juridical aspects of integration and international trade, juridical aspects of hemispheric security, the right of access to information and the protection of personal

information, the application of the United Nations Convention on the Law of the Sea by States of the hemisphere - I should say here that this was the initiative of our late president, Dr. Keith Highet. This was intended to provide a guide, specially to developing countries as to their obligations under the Law of the Sea Conventions. We are also concerned with human rights and biomedicine around the protection of the human body and, of course, democracy in the inter-American system, of which you hear much these days, and abduction of children by one of their parents. At this section of the Juridical Committee, much of our time was spent on preparing our observations on the proposed Democratic Charter for the Americas. This was submitted to the Chairman of the Permanent Council for consideration in that body. I would like just to refer to our centennial, which takes place in the year 2006 and to inform you that we have developed proposals for the observance of the centennial, and these were outlined before the Committee on Juridical and Political Affairs of the Organization by the Chairman of our Committee.

As I said earlier, I did not intend to infringe on the time available for this function, which has been arranged for the presentation of the certificates to you, the participants. Time and again, we the members of the Committee have heard from the participants of previous courses that the course is so intense that they hardly have time to enjoy some of the delights of this beautiful city. I hope that your experience on this course in 2001 was otherwise. On behalf of the Chairman and other members of the Juridical Committee, and indeed the Organization, let me extend best wishes to each of you, as you continue or enter upon your individual careers.

Palabras del Embajador LUIGI EINAUDI

Secretario General Adjunto
Organización de los Estados Americanos

Muchísimas gracias, Dr. Pollard, Drs. Lagos, Arrighi y Moletta, Embajador Baena. Señores y señoras participantes, y en algunos minutos egresados de ese XXVIII Curso de Derecho Internacional patrocinado por el Comité Jurídico Interamericano y la OEA. Me honra estar con ustedes y me siento feliz de poder decir a pedido de mis colegas dos palabras en nombre del Secretario General y de la Secretaría General de la OEA. Yo creo que hemos hablado un poco de utopías y de realidades; ustedes han visto gente, nos hemos hablado un poco quizás menos de que lo hubiéramos querido. En realidad creo que el derecho y el futuro está en las manos de quienes van a querer forjarlo, y que tienen la mezcla de inteligencia, sabiduría, contactos y dedicación para poderlo hacer. Yo me acuerdo que un gran peruano de hace más o menos un siglo, Manuel González Prada, decía "los viejos a la tumba y los jóvenes a la obra". Bueno, nosotros los viejos aquí no estamos tan prontos a ceder, pero sabemos que estamos aquí presentes, porque la única manera de defendernos es juntarnos a ustedes, y efectivamente este Curso, ojalá

sirva de base a toda una serie de trabajos y esfuerzos con miras a nuestra común utopía. Una utopía americanista, pero no cerrada en el nuevo mundo, abierta al viejo y también al mundo globalizado del futuro; pero con la defensa también de nuestras idiosincrasias, conocimientos y valores. Verdaderamente, es todo lo que yo tengo que decir, los felicito. Muchas gracias.

Palabras de la Dra. MARÍA DOLORES LÓPEZ RODRÍGUEZ
Becaria de Venezuela en representación del grupo de participantes del
XXVIII Curso de Derecho Internacional

Embajador Luigi Einaudi, Secretario General Adjunto de la Organización de los Estados Americanos; Embajador João Clemente Baena Soares, Miembro de la Comisión de Derecho Internacional de la Organización de las Naciones Unidas; Vicepresidente y demás miembros del Comité Jurídico Interamericano; Dr. Jean-Michel Arrighi, Director del Departamento de Derecho Internacional de la Organización de los Estados Americanos; Dr. Dante Negro, Coordinador del XXVIII Curso de Derecho Internacional; Danielita y Mónica; invitados especiales y demás personas presentes.

Las decisiones por unanimidad por lo regular suelen ser buenas. En este caso, mis compañeros unánimemente decidieron que fuera yo la que diera las gracias en su nombre, pero creo que se equivocaron, porque realmente tengo el corazón bien apretadito y no sé si pueda concluir. Gratamente hoy, cuando venía para acá, encontré mensajes de despedida de los compañeros que tenemos hoy ausentes y, bueno esto me ha dispuesto un poquito en el ámbito femenino sensible y creo que no volveré a cometer el error de no preparar por escrito lo que debo decir en estas ocasiones.

En primer lugar, debo decir que ha sido una experiencia maravillosa, y se me permiten en esta oportunidad compartir con casi 40 personas de países diferentes por casi un mes, desde los desayunos hasta las cenas, los fines de semana, las fotos, los hijos, los paseos, los sueños y sé que tengo un amigo en cada uno de esos países y ellos también saben que tiene una amiga en mi país. Igualmente hago extensivo esto a los miembros del panel que nos acompañan. Brasil, Río de Janeiro particularmente, nos recibió como su Cristo, con los brazos abiertos, una ciudad fabulosa cosmopolita, primitiva, colorida como sus flores, agradable como el aroma de sus frutas, generosísimo como sus fracciones de comida, como todos sabemos. En realidad, creo que todos estamos fascinados, particularmente hemos constatado que el carioca disfruta de su ciudad, ama a su ciudad y la cuida. Además, recibe realmente con gran afecto a todo el que visita a su ciudad. En este sentido, imagino que en nombre de mis compañeros debo dar las gracias a Río de Janeiro, porque nos ha acogido así. Por supuesto tenemos que dar las gracias a la Organización de los Estados Americanos, por habernos seleccionado y permitirnos llegar hasta aquí. Agradecimientos también por haber organizado este curso para nosotros y haber elegido, a nuestro juicio tan acertadamente el tema que es *La persona humana* y, particularmente, por ser promotores de la

equidad del género en el siglo XXI al haber incluido la mitad de las becarias de sexo femenino y un número importante de mujeres, entre el grupo de profesores exponentes, entre las cuales hubo algunas muy calificadas. Creo que es un consenso generalizado esa opinión, cosa que no ha ocurrido en años anteriores en estos cursos, por eso celebro mucho que este año en que yo he participado sea así.

Gracias por tantas cosas. Por supuesto queremos volver, queremos que nos vuelvan a traer. En este tipo de evento, siempre hay imprevistos imponderables, dificultades y particularmente por esto debemos agradecer a Daniela y a Mónica, su asistente, quienes realmente con gran delicadeza, eficiencia y además aderezado con algo de cariño, siempre trataron de resolver todo, desde cosas bien elementales, hasta cosas bien complejas que son necesarias en estos tipos de organizaciones.

Bueno, quisiera simplemente decir, como reflexión final, que venimos todos aquí a compartir utopías, como dice el Secretario General Adjunto de la Organización de los Estados Americanos. Yo me atrevería a decir que al compartir sueños, Bolívar soñó hace mucho con una América libre, cuando él sólo la soñó, era imposible que fuera libre; luego algunos la soñarían libre, pero luego todos la soñaron libre y fue allí cuando América fue libre. Segura estoy que promoveremos los sueños que hemos presentado aquí; estos serán ya no sólo sueños nuestros, sino más bien los sueños de muchos, serán sueños de todos y se harán realidad. Gracias.