



## **ABA Section of International Law and Practice ILEX Central America 2002 Trip Follow-Up Ideas for Future Activities and Technical Assistance**

This list compiles suggestions from the ILEX 2002 trip report, the August 2002 Central America roundtable discussion, and additional recommendations provided by delegation members. The recommendations are divided into two categories: **legal practice-focused** and appropriate for a Section committee to undertake; and **technical legal-assistance-focused** requiring Technical Legal Assistance Board review. **The Section's Council has not taken any action on the proposed activities and no outreach to potential Central American partners has begun.**

### **LEGAL PRACTICE-FOCUSED COMMITTEE ACTIVITIES**

- **Review the initial recommendation of the arbitrators in connection with the report addressing the Guatemalan/Belize territorial conflict.**
- **Draft an ABA model law on adoption of the International Civil Notary.**
- **Work with American Chambers of Commerce on trade and rule of law issues.** Develop a closer relationship between the Section and Costa Rican/Guatemalan Chambers.
- **Promote trade-related issues through sponsoring discussions** with Central American stakeholders like American Chambers of Commerce in the region, the Costa Rican Investment Board (CINDE), the academic community and the human rights communities, all of which expressed interest in the topic. The delegation could also make the ABA membership aware of the importance of the free trade agreement to Central America and suggest that members contact legislators to inform them of that importance.
- **Help Guatemala prepare for a free trade agreement with the US** by working with officials in Guatemala in connection with the adoption of fundamental international conventions, such as the Hague Service Convention, Hague Taking Evidence Convention and the Vienna Sales Convention (CISG).
- **Develop a system for monitoring current events and developments in the rule of law in Central America to inform the relevant ABA/SILP committees.** This effort might include monitoring Central American Secretariat for Economic Integration's (SIECA) website or working jointly with SIECA to create an ABA/SIECA page.
- **Maximize the opportunities offered by passage of Trade Promotion Authority** to the President of the United States and the Bush Administration's stated policy of negotiating a free trade agreement (CAFTA) with the Central American republics to:

- advance regional legal and administrative institutions under rule of law principles,
- develop a legal framework for foreign direct investment that includes inter alia realistic minimum standards in administration of labor laws, occupational and environmental safety, social security and education.
- Protect individual rights.

*CAFTA negotiations are enhanced by the US Administration's decision to include capacity building programs for negotiation and treaty administration. The US Department of State, AID, USTR, and multilateral agencies like the InterAmerican Development Bank (IDB) and the Central American Bank for Economic Integration (CABEI) are expected to play active roles in CAFTA-related capacity building programs.*

## **TECHNICAL LEGAL ASSISTANCE ACTIVITIES**

- **Initiate a project similar to ABA's Dialogue on Freedom about the US Constitution** to conduct discussions in Central America about its court system, government and bar leaders. *The presentations should be more international in nature and include discussion of constitutional principles in the Constitution of the United States, Magna Carta and the first joint constitution of the Central American States (1824) after their independence from Spain. The discussion should also serve as a forum for presentation of court development of the basic constitutional principles in modern times. Project would require invitation from a bar or other legal entity and funding for transportation.*
- **Promote courses of study in protection of constitutional rights, labor law, foreign investment, business transactions and economic development by working with institutions of higher learning in the US and Central America**, such as law schools, bars or judges groups. One version used as an example sends lawyers to teach courses on a one-time or semester basis and teaching students and/or training the Central American faculty.
- **Conduct judicial training** using a Train-the-Trainers approach.
- **Create an ABA/UNDP-International Legal Resource Center-like mechanism to provide technical assistance** in legislative drafting, teaching assistance in the law schools, or other assistance throughout the Americas. Such a resource could also offer assistance to indigenous peoples and minorities throughout the region. The Inter-American Institute for Human Rights might be an appropriate partner for such a project.