

Section of International Law and Practice (Midyear Meeting 1990)

BE IT RESOLVED, That the American Bar Association recommends that the United States sign and ratify the Inter-American Convention on the Taking of Evidence Abroad and the Additional Protocol with the following reservation and declarations:

- a) Reservation: In ratifying the Convention, the United States accepts entry into force and undertakes treaty relations only with respect to States which have ratified or acceded to the Additional Protocol as well as the Convention, and not with respect to States which have ratified or acceded only to the Convention.

- b) Declaration: The United States declares its understanding that the Protocol is designed to clarify the application of the Convention generally and that, in keeping with that general objective, should be read as modifying the Convention where appropriate.

- c) Declaration: The United States further declares its understanding that Article 14 of the Convention stands for the proposition that, in the event States party to the Convention and Protocol are party to another convention dealing with the same subject, the objective of promoting judicial cooperation calls for such States to proceed under the convention containing the least restrictive rule with respect to the matter in question.