

## Regional Institutions Assuring the Development of Fundamental Liberties: The American Hemisphere

John L. A. de Passalacqua

Follow this and additional works at: <https://scholarship.law.stjohns.edu/tcl>



Part of the [Human Rights Law Commons](#)

---

### Recommended Citation

John L. A. de Passalacqua (1974) "Regional Institutions Assuring the Development of Fundamental Liberties: The American Hemisphere," *The Catholic Lawyer*: Vol. 20 : No. 3 , Article 4.

Available at: <https://scholarship.law.stjohns.edu/tcl/vol20/iss3/4>

This Pax Romana Congress Papers is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in The Catholic Lawyer by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact [lasalar@stjohns.edu](mailto:lasalar@stjohns.edu).

# REGIONAL INSTITUTIONS ASSURING THE DEVELOPMENT OF FUNDAMENTAL LIBERTIES: THE AMERICAN HEMISPHERE

JOHN L. A. DE PASSALACQUA\*

The regional institutions assuring the development of fundamental liberties in the American hemisphere are essentially those connected with the Organization of American States (O.A.S.). In a broad sense, the O.A.S. itself is structured to assure the protection of human rights, both from encroachments from within the hemisphere,<sup>1</sup> as well as from encroachments from without.<sup>2</sup>

Concern about the protection and development of fundamental liberties in the American hemisphere has a lengthy history in the birth and development of each of the American republics. This concern was carried over into a collective concern within the hemisphere culminating in the Inter-American Declaration of the Rights and Duties of Man<sup>3</sup> (Inter-American Declaration) which predates the Universal Declaration of Human Rights<sup>4</sup> of the United Nations by nearly seven months.

Under the aegis of the O.A.S. and its predecessor the Pan American Union, a number of organizations have been established dealing directly and indirectly with the promotion and protection of fundamental human

---

\*Associate Professor of Law, University of Puerto Rico, A.B., University of Puerto Rico, 1961; J.D., Catholic University of Puerto Rico, 1964; LL.M., 1965; S.J.D., George Washington University, 1969.

<sup>1</sup> See O.A.S. CHAPTER, *opened for signature* Feb. 27, 1967, 21 U.S.T 607, T.I.A.S. 6847 (effective for United States Feb. 27, 1970) [hereinafter cited as O.A.S. CHARTER].

<sup>2</sup> See Inter-American Treaty of Reciprocal Assistance, *done* Sept. 2, 1947, O.A.S. Official Records, OEA/Ser. A/1, 62 Stat. 1681, T.I.A.S. 1838, 21 U.N.T.S. 77 (effective for United States Dec. 3, 1948).

<sup>3</sup> *Approved* May 2, 1948, at the Ninth International Conference of American States, held in Bogotá Columbia.

<sup>4</sup> Universal Declaration of Human Rights, *adopted and proclaimed* by the General Assembly of the United Nations Organization, Dec. 10, 1948.

rights and liberties. We will report herein on those which have a direct impact on fundamental liberties, leaving aside those which, although having a transcendental effect on the quality of human rights, are more directly concerned with the economic development of the hemisphere.<sup>5</sup>

This report will be limited essentially to the following:

- a) treaties promoting fundamental liberties;
- b) organizations for the promotion and protection of fundamental liberties;
- c) proposed organizations for the promotion and protection of fundamental liberties.

#### TREATIES PROMOTING FUNDAMENTAL LIBERTIES

Articles I, II, XVIII, XXV, XXVI and XVII of the Inter-American Declaration establish the right of every human being to life, liberty, security of person, and equality before the law. In furtherance of these fundamental rights, the American republics have entered upon a number of bilateral and multilateral treaties concerning what may be called international criminal law.<sup>6</sup> These treaties have been compiled by the Secretariat of the O.A.S. and published under its auspices.<sup>7</sup>

Likewise, three treaties have been proposed and are in force among several American republics concerning the rights of women, thus furthering articles II, XVII, XIX, XX, and XXIII of the Inter-American Declaration. These treaties refer to equality of treatment for women in matters of nationality,<sup>8</sup> civil rights,<sup>9</sup> and the right to vote.<sup>10</sup>

On April 8, 1969, twelve Latin American countries subscribed the American Convention on Human Rights, also known as the Pact of San Jose.<sup>11</sup> To date, only Costa Rica and Colombia have deposited instruments of ratification. This document is based essentially on the Inter-American Declaration upon which it enlarges somewhat. Its principal innovation is the establishment of an Inter-American Court of Human Rights<sup>12</sup> to act in conjunction with the existing Inter-American Commission of Human Rights which is, in turn, somewhat modified.<sup>13</sup> On the other hand, this

---

<sup>5</sup> Thus, we will not report on such institutions as the Latin American Free Trade Association (ALALC), the Central American Common Market (MCCA), the Andes Group, or the Caribbean Free Trade Association (CARIFTA).

<sup>6</sup> See Treaty on International Penal Law, signed Mar. 19, 1940, *Tratados de Montevideo*, Montevideo, 1959.

<sup>7</sup> Inter-American Treaties and Conventions on Asylum and Extradition, O.A.S. Official Records, OEA/Ser. X/1.

<sup>8</sup> Convención sobre nacionalidad de la mujer, Montevideo, 26 de diciembre 1933.

<sup>9</sup> Inter-American Convention on the Granting of Civil Rights to Women, Bogota, May 2, 1948.

<sup>10</sup> Inter-American Convention on the Granting of Political Rights to Women, Bogota, May 2, 1948.

<sup>11</sup> O.A.S. Official Records, OEA/ Ser. A/16.

<sup>12</sup> Pact of San Jose, Apr. 8, 1969, art. 52 *et seq.*, O.A.S. Official Records, OEA/ Ser. A/16.

<sup>13</sup> *Id.* art. 34 *et seq.*

document may also serve as an interpretative document to the Inter-American Declaration itself, for it codifies customary international law in the field of human rights in the American hemisphere.

The probability that this treaty will enter into force in the near future is at this time somewhat slim. Even more discouraging is the list of American States which have not even signed the document: Argentina, Brazil, Dominican Republic, Mexico, Peru, and the United States.

#### ORGANIZATIONS FOR THE PROMOTION AND PROTECTION OF FUNDAMENTAL LIBERTIES

As mentioned earlier, the Organization of American States, as a whole, may be taken as a single organism designed for the promotion and protection of the various areas of the rights of human beings. In a narrower sense, the Organization has established within itself a number of sub-groups directly designed to assure the protection and development of fundamental liberties. Of these, the most outstanding are the Inter-American Economic and Social Council (CIES),<sup>14</sup> the Inter-American Council for Education, Science and Culture (CEPCIECC), the Inter-American Juridical Committee (CJI), the Administrative Tribunal (TRIAD), the Inter-American Commission on Human Rights (CIDH), and the Inter-American Commission of Women (CIM).

##### *The Inter-American Economic and Social Council*

Established under article 93 of the charter of the O.A.S., the Inter-American Economic and Social Council (CIES) is composed of representatives of each of the American republics appointed by their respective governments.<sup>15</sup> The purpose of the Council is to promote cooperation among the American republics in order to attain accelerated economic and social development for each member state as well as for the hemisphere in general.<sup>16</sup> In this manner, the O.A.S. seeks to preserve or to create those conditions which are necessary to the development and well-being of the human population of the hemisphere.

##### *Inter-American Council for Education, Science and Culture*

Like the CIES, the CEPCIECC is composed of one representative from each American republic appointed by his respective government.<sup>17</sup> The ultimate purpose of the CEPCIECC is "to raise the cultural level of the peoples; reaffirm their dignity as individuals; prepare them fully for

<sup>14</sup> The Spanish language abbreviations for these organizations will be used throughout this paper, since, for the most part, they form pronounceable syllables.

<sup>15</sup> *Id.* art. 94, 21 U.S.T. 685, T.I.A.S. 6847.

<sup>16</sup> O.A.S. CHARTER, art. 93, 21 U.S.T. 685, T.I.A.S. 6847.

<sup>17</sup> *Id.* art. 99, 21 U.S.T. 686, T.I.A.S. 6847.

the tasks of progress; and strengthen the devotion of peace, democracy and social justice that has characterized their evolution."<sup>18</sup>

Among the goals which the O.A.S. has established for the CIES is the achievement of a system of fair wages, employment opportunities and acceptable working conditions for all persons.<sup>19</sup> If man's ability to earn a living has been taken into account, his corporeal well-being has not been forgotten, for it is proposed that he be protected through proper nutrition,<sup>20</sup> medical care,<sup>21</sup> and proper housing.<sup>22</sup> Coupled with man's ability to earn a living for himself, the Organization seeks to promote through the CIES the rapid eradication of illiteracy and expansion of education for all.<sup>23</sup>

The goals set for the CIES dovetail nicely into those of the CEP-CIECC. CIES proposes that elementary education be provided by all member states without charge<sup>24</sup> with a view toward extending it to middle level education,<sup>25</sup> and eventually to higher education which should be available to all within academic standards of excellence.<sup>26</sup>

In establishing the CIES and the CEP-CIECC the O.A.S. has not lost sight of the fact that man can only achieve the full realization of his aspirations within a just social order where the equality of every individual is guaranteed together with the social rights and obligations concomitant with living in a society.<sup>27</sup> Thus, in accord with the Inter-American Declaration,<sup>28</sup> article 43 of the charter establishes both social rights and duties, and entrusts the CIES and the CEP-CIECC with the means whereby member states will make these conditions feasible and actual.

Both the Inter-American Council for Education, Science and Culture (CEP-CIECC) and the Inter-American Economic and Social Council (CIES) are organized as international political bodies, wherein each representative espouses the position of his national state in an attempt to establish a political middle ground, where at a state level the various American republics can cooperate with one another in achieving the common goals they have established for themselves.

Although the individual is the direct recipient of the benefits of the activities of the CIES and the CEP-CIECC, these activities are controlled by the varying policies of the states themselves. They do not represent a

<sup>18</sup> *Id.* art. 100, 21 U.S.T. 687, T.I.A.S. 6847.

<sup>19</sup> *Id.* art. 31(g), 21 U.S.T. 663, T.I.A.S. 6847.

<sup>20</sup> *Id.* art. 31(j), 21 U.S.T. 664, T.I.A.S. 6847.

<sup>21</sup> *Id.* art. 31(i), 21 U.S.T. 664, T.I.A.S. 6847.

<sup>22</sup> *Id.* art. 31(k), 21 U.S.T. 664, T.I.A.S. 6847.

<sup>23</sup> *Id.* art. 31(h), 21 U.S.T. 664, T.I.A.S. 6847.

<sup>24</sup> *Id.* art. 47(a), 21 U.S.T. 672, T.I.A.S. 6847.

<sup>25</sup> *Id.* art. 47(b), 21 U.S.T. 672, T.I.A.S. 6847.

<sup>26</sup> *Id.* art. 47(c), 21 U.S.T. 672, T.I.A.S. 6847.

<sup>27</sup> *Id.* art. 43, 21 U.S.T. 669, T.I.A.S. 6847.

<sup>28</sup> Inter-American Declaration of the Rights and Duties of Man, arts. II, XIII, XIV, XV, XXIX, XXXVI, XXXVII, and XXXVIII, approved May 2, 1948 at the Ninth International Conference of American States, held in Bogotá, Columbia.

collective effort of the inhabitants of the American hemisphere, but rather, a collective effort of the American republics on behalf of those inhabitants.

The principal structural characteristic of the CEPCIECC and the CIES is their political nature as evidenced by the national representative character of the individual members of both Councils.

#### *Inter-American Juridical Committee*

The Inter-American Juridical Committee differs from both the Inter-American Economic and Social Council and the Inter-American Council for Education, Science and Culture in its composition. Whereas the latter are composed of a representative from each of their member states acting as national representatives, the former is comprised of a fixed number of members chosen among the member states of the O.A.S. and serving in their individual and nonrepresentative capacity.<sup>29</sup> The Inter-American Juridical Committee (CJI) has been charged by the charter of the O.A.S. to serve the Organization in an advisory capacity on juridical matters; "to promote the progressive development and the 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."<sup>30</sup>

At first glance, it may appear that under the charge given to the Juridical Committee, its direct effect on individual fundamental liberties would be marginal. In fact, that is so only insofar as the Committee is examining issues which are solely of a regional character. However, there are a number of other questions which are not only regional in character, but also have a direct bearing on particular individuals.

Thus, the CJI has had occasion to examine, *inter alia*, matters pertaining to the sale of personal property where citizens of more than one state were involved;<sup>31</sup> the simplification of immigration procedures for tourists and businessmen in the hemisphere;<sup>32</sup> the terrorism and kidnapping of persons for purposes of extortion;<sup>33</sup> the protection and conservation of historic patrimony;<sup>34</sup> and the status of foreign guerillas.<sup>35</sup>

Nevertheless, the principal duty of the Committee is to the O.A.S. as such, and not to the particular member states of the O.A.S. Its effects upon the population of the hemisphere, while far from being peripheral, remain indirect.

---

<sup>29</sup> O.A.S. CHARTER, arts. 107-108, 21 U.S.T. 690, T.I.A.S. 6847.

<sup>30</sup> *Id.* art. 105, 21 U.S.T. 690, T.I.A.S. 6847.

<sup>31</sup> O.A.S. Official Records, OEA/Ser. I/VI.1 at 13.

<sup>32</sup> *Id.* at 17.

<sup>33</sup> OEA, *Trabajos realizados por el Comité Jurídico Interamericano durante su periodo extraordinario de sesiones (31 de agosto a 6 de octubre de 1970)*, OEA/Documentos Oficiales/Ser. Q.

<sup>34</sup> CJI, O.A.S. Official Records, OEA/Ser. Q/IV.3, at 67 *et seq.*

<sup>35</sup> *Id.* at 139 *et seq.*

*Inter-American Commission of Women*

Unlike either the CIES, the CEPCIECC or the CJI, the Inter-American Commission of Women (CIM) is not established by the charter of the O.A.S. Actually, it predates the charter, having been set up in 1928, and, in its present structure, it is coetaneous since its organic statute was approved on May 2, 1948. The Inter-American Commission of Women is a permanent entity attached to the General Secretariat of the O.A.S.<sup>36</sup> The Secretariat of the CIM is also attached to the General Secretariat of the O.A.S.

The CIM is made up of one delegate for each of the American republics, appointed by her respective government. There is an Executive Committee at the seat of the Commission which is composed of the president and six member states all of whom are elected by the Assembly of the Commission for a two year term. The General Assembly of the Commission meets every two years. The policy and the activities carried out by the CIM are based on the resolutions, agreements, and recommendations of the General Assembly of the Commission as well as from studies emanating from the meetings of the Executive Committee and conclusions derived from an analysis of the national reports prepared by the national delegations.

Policies are carried out by the Executive Committee, the National Cooperating Committees and the Permanent Secretariat. It is the National Committee of Cooperation which gives the Inter-American Commission of Women its most striking characteristic. The National Committees of Cooperation are working organs of the Commission whose function is to promote in each country the purposes and aims of the Commission,<sup>37</sup> the foremost of which is to promote the steadily increasing participation of the women of the hemisphere in the development process of their respective countries.<sup>38</sup>

In general, the purpose of the Inter-American Commission of Women is to further the interests of women in achieving equal and fair treatment in all aspects of life. The basic objectives expressed thus by the CIM are the extension of all political, civil, economic, social, and cultural rights to women in the hemisphere; the study of the problems faced by women and the proposal of measures to correct them; and the promotion and preparation of women for active and knowledgeable participation in the planning and execution of programs for the integrated development of the countries of the hemisphere.<sup>39</sup>

In this manner, the Commission can be directly in contact with the

---

<sup>36</sup> Organic Statute of the Inter-American Commission of Women, art. 1.

<sup>37</sup> Regulations of the Inter-American Commission of Women, art. 124.

<sup>38</sup> *Id.* art. 125.

<sup>39</sup> CIM, *Informe presentado a la vigesimocurata reunión de la Comisión de la Condición Jurídica de la Mujer de las Naciones Unidas* 1 (1972).

inhabitants of the hemisphere whom it affects. However, these individuals are not directly benefitted by the action of the Commission or its organisms since their work is done essentially through the structure of the O.A.S. or the national states involved. Nevertheless, the work of the CIM in the field of women's rights and, to a lesser degree, in the field of children's rights has had many laudable results.

### *Inter-American Commission of Human Rights*

Article 112 of the charter of the O.A.S., as amended, establishes the Inter-American Commission of Human Rights and charges it with the principal function of promoting the observance and protection of human rights. It also serves as an organ of consultation to the O.A.S. on these matters.<sup>40</sup>

The statute of the Commission (CIDH) establishes it as an autonomous organism<sup>41</sup> under the O.A.S. It is made up of seven members who are specialists in the field of human rights, and although they must be citizens of member states of the O.A.S., represent the entire hemisphere rather than any particular country.<sup>42</sup> Thus, they are to be elected by the Permanent Council of the O.A.S. from individuals proposed by the governments of member states, though the candidate himself need not be a citizen of the proposing state.<sup>43</sup> However, a given American state may have only one of its nationals serving on the Commission at any given moment.<sup>44</sup>

The headquarters of the Commission are at the Pan American Union in Washington, D.C.<sup>45</sup> Nevertheless, the Commission may move to the territory of any American state whenever it deems it advisable, provided that state gives its consent.<sup>46</sup>

The Commission, as authorized under its statute,<sup>47</sup> has prepared and adopted its own rules and regulations<sup>48</sup> which, taking advantage of the somewhat ambiguous language of the charter and the statute, has enabled the Commission to move from a passive role to a more active one. It will be recalled that article 112 of the charter charged the Commission with the role of "promoting the observance and protection of human rights" and that this charge was carried over into article 1 of the statute imposing on

<sup>40</sup> O.A.S. CHARTER, art. 112, 21 U.S.T. 691, T.I.A.S. 6847.

<sup>41</sup> Statute of the Inter-American Commission of Human Rights, art. 1 [hereinafter cited as CIDH].

<sup>42</sup> *Id.* art. 3.

<sup>43</sup> *Id.* art. 4.

<sup>44</sup> *Id.* art. 4(d).

<sup>45</sup> *Id.* art. 11(c).

<sup>46</sup> *Id.* art. 11, par. 2.

<sup>47</sup> *Id.* art. 15.

<sup>48</sup> Regulations of the Inter-American Commission on Human Rights, in *Handbook of Existing Rules Pertaining to Human Rights*, O.A.S. Official Records, OEA/ Ser. L/V/II. 23, doc. 21 [hereinafter cited as RCIDH].

the Commission a duty "to promote respect for human rights."<sup>49</sup> In spelling out this function for the Commission, the regulations have in fact established a triple function for it: 1) studies and reports on topics chosen by the Commission; 2) inquiry into the protection afforded human rights in the American hemisphere; and 3) determination concerning the violation of human rights in specific cases.

The regulations specify that the Commission shall select on its own initiative those topics which it proposes to study for the purpose of promoting respect for human rights in the American hemisphere.<sup>50</sup> In the past, the Commission has produced reports on such topics as the right to vote,<sup>51</sup> the right to life,<sup>52</sup> the right to petition,<sup>53</sup> and the right to form labor syndicates.<sup>54</sup>

Pursuant to the procedure established by the regulations whereunder it receives complaints regarding the violation of human rights,<sup>55</sup> the Commission has on various occasions undertaken an inquiry into the observance of human rights by particular countries in the American hemisphere. These inquiries have produced reports, *inter alia*, on the Dominican Republic,<sup>56</sup> Haiti,<sup>57</sup> Cuba,<sup>58</sup> and Honduras-El Salvador.<sup>59</sup>

Pursuant to this same procedure, the Commission has passed judgment on alleged violations of human rights allegedly perpetrated by member states of the O.A.S. In so doing, the Commission may and does make recommendations regarding findings of violations of human rights by particular states. In this sense, the Commission exercises a parajudicial function. However, as in most international jurisdictions, compliance is a matter of voluntary acquiescence on the part of the violating state.

Over the years, the Commission has examined some two thousand communications alleging violations of human rights. Perhaps its two great-

<sup>49</sup> CIDH, art. 1.

<sup>50</sup> *Id.* art. 26.

<sup>51</sup> Bianchi, *Los derechos humanos y el derecho de sufragio y el derecho sufragio en América*, O.A.S. Official Records, OEA/Ser. L/V/II. 5, doc. 14.

<sup>52</sup> Acuña, *El derecho a la vida*, O.A.S. Official Records, OEA/Ser. L/V/II. 15, doc. 13.

<sup>53</sup> CIDH, *El derecho de petición*, O.A.S. Official Records, OEA/Ser. L/V/II. 24, doc. 10.

<sup>54</sup> Jimenez de Arechaga, *La libertad sindical*, O.A.S. Official Records, OEA/Ser. L/V/II. 24, doc. 2.

<sup>55</sup> RCIDH, *supra* note 48, art. 37 *et seq.*

<sup>56</sup> *La situación de los derechos humanos en la República Dominicana* (1962), O.A.S. Official Records, OEA/Ser. L/V/II. 4, doc. 32; *Situación de los derechos humanos en la República Dominicana* (1965), O.A.S. Official Records, OEA/Ser. L/V/II. 12, doc. 2.

<sup>57</sup> *Situación de los derechos humanos en Haití* (1963), O.A.S. Official Records, OEA/Ser. L/V/II. 8, doc. 5; *Haití y el derecho de asilo* (1968), O.A.S. Official Records, OEA/Ser. L/V/II. 19, doc. 6.

<sup>58</sup> *Situación de los presos políticos y sus familiares en Cuba* (1963), O.A.S. Official Records, OEA/Ser. L/V/II. 7, doc. 4; *Situación de los derechos humanos en Cuba* (1967), O.A.S. Official Records, OEA/Ser. L/V/II. 17, doc. 4.

<sup>59</sup> *Situación de los derechos humanos en las Repúblicas de El Salvador y Honduras*, O.A.S. Official Records, OEA/Ser. L/V/II. 22, doc. 13.

est successes were achieved during the Dominican Crisis of 1965, where the United States and the O.A.S. both intervened in a civil war in the Dominican Republic, and the conflict between Honduras and El Salvador in 1969, where numerous violations of human rights occurring within the territory of both sides were discovered and corrected or redressed.<sup>60</sup>

Although there is some doubt as to the Commission's authority to adjudicate violations—and on occasion it has been challenged—this function has had a salutary effect, not only through compliance by a number of states, but also in preventing violations of human rights. This latter aspect is impossible to measure. However, the mere fact that the Commission is available to examine violations alleged by individuals indubitably has a restraining effect on states which are conscious of their international image in these matters.

#### CONCLUSIONS AND RECOMMENDATIONS

The Inter-American Declaration of Human Rights follows the tradition of the Declaration of the Rights of Man and the Citizen of 1789 and 1793. Those rights which the Inter-American Declaration has established follow closely the rights which Catholic theology has also recognized in its development and evolution.

The O.A.S. and its member states have instituted various means of securing and developing human rights in the hemisphere but have been extremely reluctant to accept any form of control which would imply a diminution of their sovereignty as states. Thus, the protection of human rights in the American hemisphere depends essentially upon the will of the affected state to assure that protection and development.

American institutions for the promotion and development of human rights are limited essentially to public opinion as a means of pressuring states to take those steps necessary to secure human rights within their respective borders. History brings us continuous accounts of how these efforts fail almost daily in some part of our hemisphere. Nevertheless, these oft repeated failures fortunately are not the entire story. There are a number of areas where international American institutions are able to promote certain aspects of human rights which, while they are important to their promoters, may be ones toward which a particular state is essentially indifferent. Moreover, international institutions seeking the furtherance of human rights in the American hemisphere are oftentimes quite successful in those areas where the state affected does not have a definite policy concerning that particular aspect of such rights, or where the affected state would gladly see the promotion and development of that particular area of rights.

In those areas where the American institutions have been able not only

---

<sup>60</sup> See Cordero, *Los derechos humanos en el sistema interamericano reflejados en los problemas de Cuba, Honduras y El Salvador*, 12 REV. DER. p.r. 521.

to promote fundamental rights but also to provide the economic means whereby they could be made effective, these institutions have been successful. Through their facilitation of economic support they have made it easier for some American states to develop these areas. Furthermore, through their studies, American institutions dealing with human rights often indicate the means by which a state may achieve their protection and promotion. They often serve as focal points for the exchange of information and know-how for the development of conditions favorable to human rights. Moreover, the American institutions can and do provide means for obtaining economic support necessary for the establishment of conditions favorable to the development of such rights.

The achievements of the Inter-American Commission of Women have been perhaps the most notable and durable, particularly since they have resulted in compliance by the states. Also in this area, the Commission has been successful in establishing national organizations through which to channel work and to assist local institutions in the development of liberties within their sphere of interest.

However, the actual protection of fundamental rights through inter-American institutions leaves much to be desired. In fact, the only institution which offers a protection of sorts in this area is the Inter-American Commission of Human Rights. This protection, aside from its promotional function, has been achieved through liberal interpretation of its statute and rules. Yet, this protection is achieved through the use of international public opinion as a weapon to move the offending state toward corrective action. Neither the Commission itself nor the O.A.S. has at its disposal the means of enforcing a correction of violations of human rights in a recalcitrant state.

Thus, at the present stage of the development of the international law of human rights in the American hemisphere, there are a number of American institutions which are effective in promoting fundamental rights. The fact that the effectiveness of American institutions is severely limited and almost nonexistent in the field of the protection of human rights lies essentially with the affected state.

The Convention on Human Rights is a move in the direction of greater effectiveness in the promotion and protection of human rights. However, it too is severely limited by the restriction that only states or the Commission may appear before the court. The actual avenue of individual redress is essentially in the hands of the Commission. The Commission receives the individual complaints and alone can raise the same to the level of a case before the court, unless the state ruled against chooses to do so itself.

Limited as the American Convention may be, it is certainly an improvement over the existing situation. Thus, I take the opportunity to urge those delegates of PAX ROMANA attending this meeting to seek by all

means available, the ratification by their respective governments of this Convention at the earliest possible time.