

**WORK PROGRAM FOR THE ASSOCIATION INTERNATIONALE DE
DROIT DES ASSURANCES
(2002-2006)**

PRESIDENTIAL COUNCIL

RIO DE JANEIRO, APRIL 30, 2003

In accordance with numeral three of Article 7 of 'Association Internationale de Droit des Assurances', AIDA's statutes, I respectfully submit the following global work plan before the honourable Presidential Council. This document has been enriched with the suggestions of several directors and members of the international community, for which I am grateful.

For its significance, I should like to mention that the present institutional program is meant to be developed in the next years (up to 2006) with the valuable help of the Presidential Council; the Chairmen of the Working Parties; the General Secretariat; and, in general, by all AIDA members. It implies continuous international and collective work.

Therefore, the projects are not meant to be simultaneously executed, but rather periodically developed according to the circumstances and priorities. Some may be concluded immediately, whereas others will require months, or even years, such as the celebration of AIDA's 45th Anniversary (2005) and the Book to tribute Prof. DONATI, just to mention two examples.

On the other hand, it is important to bear in mind that if the Council approves this plan, it will be necessary to draft a global activities agenda and designate coordinators and collaborators, who will contribute towards the development and follow-up of the projects.

Notwithstanding future complementary analysis, the proposed projects are the following:

1) **SUPPORT AND STRENGTHENING OF THE WORKING PARTIES**

Though recently the Presidential Council expressed its interest in examining the present and future of the Working Parties, and knowing its high importance and need to support the work

they internationally develop, it could be valuable to evaluate the convenience of adopting measures tending to strengthen them even more. The Working Parties are the core of the Association, and a genuine expression of its dynamism and commitment with the most significant and actual Insurance Law subjects.

The prior is expressed on the fact that there are several existing Working Parties, and their deep comparative and systematic examination of the issues they deal with, highly enrich this International Organization.

Some suggestions, for example, are the following:

- a) Notwithstanding the previously sent Communications, a letter expressing interest on giving prompt cooperation and collaboration could be sent to the Chairmen.
- b) Individually examining the current situation of each group (how long has it been established, traditional members, number of international delegates, plans, publications, executed and future programs, major achieved goals and registered difficulties, etc). To this end, the collaboration and objective description of the Groups' Chairmen will be fundamental; a common format could be drafted for this purpose.
- c) Requesting each National Section to officially designate a member for every Working Party, understanding that they should be specialized in each subject and, above all, committed to the scientific mission assigned to their Section and AIDA.
- d) Maintaining fluid and permanent contact with the National Section delegates and, in general, with those who regularly assist the Group's meeting, in order to strengthen personal and institutional relationships, which would reinforce the sense of belonging to the Group.
- e) Supporting the elaboration and publication of the studies related to the central topic of each Working Party. The idea could be that each of them, in coordination with their Chairman, develop a publication containing an adequate number of studies regarding the most important and actual issues of their topic (cds, books,

bulletins, etc). In this manner, thanks to the speciality of each individual publication, there would be an important contribution to comparative insurance law.

It would be advisable that these monographic works be published with the support of an interested sponsor. If this is not possible, however, it is highly probable that some National Sections' Magazines will show their interest in publishing said scientific material.

Therefore, in reasonable time, AIDA could count with as many specialized publications as Working Parties it has, contributing to the study and promotion of Insurance Law, both nationally and internationally.

- f) Procuring that in future Congresses, the hosting Section commit itself to drawing a high number of persons of its Section into AIDA's Working Parties, as it was suggested to the Organizers of the VII Iberian-Latinamerican Insurance Law Congress in Rio de Janeiro.
- g) If possible, knowing before-hand, even in general terms, the subjects that will be dealt with by each Working Party, which will contribute making speakers and congress assistants interested.
- h) Describing, before-hand, the general mechanics of each Working Party, so that the assistants to the congresses, rounds, and colloquiums know of their existence and way of working. As common note, most programs only include a brief mention to the Groups' meetings. Thus, participants and speakers are not able to identify the purpose and objective of the assigned meeting.
- i) Procuring the designation of a member of the hosting National Section to illustrate the audience, in general terms, of the subjects that will be developed. In this way, for example, the persons that may assist a Congress can get interested on the invitation done by the Parties' Chairmen.
- j) The publication of an anthology of the Working Parties' most important projects for AIDA's 45th Anniversary.

- k) The elaboration of a periodic Bulletin, which would be initially published in AIDA's website and sent by e-mail to the different National Sections and members of the Groups; notwithstanding that part or a summary of it could be included in AIDA-MAIL.
- l) Timely designating an official coordinator to support the Chairmen of the Working Parties in every World or Regional Congress. Said coordinator would provide assistance before and during the Congress. The designation would be done by the President of the hosting Section, procuring that the coordinator has a high professional level, service vocation, and an adequate knowledge of languages.
- m) Establishing, in a flexible fashion, some minimum functioning rules for the Working Parties (handbook) in order to guarantee some structural and functional homogeneity among them, without reducing their autonomy and initiative.
- n) Asking the National Sections if they find the Working Parties' topics to be interesting and scientifically relevant. If the answer is negative, they should point out the reasons that lead them to their conclusion and make some suggestions that could be analyzed by each group.

2) CREATION OF AIDA'S SCIENTIFIC RESEARCH PRIZE

With the purpose of strengthening AIDA's academic mission even more, it would be useful to create an investigation prize. The people interested in participating, would select a topic and develop a high quality work, which would only be submitted before a jury, in charge of granting the award, if the work truly deserves; otherwise the prize would be declared closed.

For this purpose, the grounds of the prize would need to be drafted in order to distribute them in the five continents: National Sections of AIDA; Universities; Tribunals; Courts; similar Associations; insurance and reinsurance institutions, etc.

Given that AIDA's 45th anniversary is in 2005, it would be interesting to hand out the prize at this time. Therefore, this would have to be examined by the Presidential Council in Rio de

Janeiro on 2003. Otherwise, the prize could be granted on the XII World Insurance Law Congress (2006), which would be initially more advisable.

The prize could be a sum of money and the publication of the winning work.

In this way, AIDA would stimulate legal research, and internationally promote Insurance Law.

The only pending aspect would be the definition of the language or languages in which the works could be turned in. In principle, the five official languages could be admitted. However, it would be practical to limit this matter to three, bearing in mind they have more international diffusion: English, Spanish, and French.

For its international significance, it is convenient to point out that in prior days, the directors of AON International Reinsurance showed interest in supporting this investigation prize, for which they offered EURO 10,000. Depending on the decision, this sum could be totally given to the winning author or divided in order to award two works.

On a regional level, MAPRE -Spain- has also offered to destine a similar amount of money to stimulate scientific investigation with a similar amount of money in Spanish and Portuguese speaking AIDA countries.

3) A BOOK TRIBUTING PROF. ANTIGONO DONATI ("LIBER AMICORUM"): INSURANCE LAW IN THE NEW MILLENNIUM

Knowing the importance and valuable contribution done by such an important Italian Professor, we believe it is important that AIDA directly promote the publication of a book containing several studies, essays, and articles written by an excellent group of international scholars, who, in principle, would be AIDA members. However, it could be advisable to invite other persons so to enrich the publication, which, depending on the answer obtained from the international scientific community, would be composed of two or three volumes numeral 4, article 13 of AIDA's Statutes.

Regarding this project, I had the opportunity of speaking to Dr ZIMOLO, Chairman of the Motor Insurance Working Party, who showed interest in GENERALI being the publisher,

which would be very convenient. This idea has been backed up by the Italian Section, especially by its President Prof. Agostino GAMBINO.

This project could be promptly started so that it would be finished for AIDA's 45th Anniversary. Notwithstanding the appointment of two general directors, a representative scientific committee in charge of inviting the different authors should be designated. It would also be necessary to set some methodological rules before-hand to guarantee homogeneity of the publication, as well as the language or languages in which the works should be written.

This would tribute Prof. DONATI'S memory and promote his live idea of stimulating the study Insurance Comparative Law. Moreover, it would give the possibility of bringing together an important number of legal studies regarding said discipline, which would be bibliographically advantageous. This would be the most valuable and panoramic contemporary Insurance Law publication.

4) CREATION OF AIDA'S ELECTRONIC LIBRARY: 'WORLD INSURANCE LIBRARY'

Knowing that some of AIDA's National Chapters have valuable insurance libraries, we could think of the possibility of creating an international documentation center. It would be made up of libraries such as the Argentine, Italian, and Spanish Chapters; the CILA documentation center, which counts with over 4000 references in Colombia; etc.

The object is not to physically include all the books in one particular place, but rather to orderly put on the internet the existing bibliographical references and the place where they can be found.

Additionally, it would be convenient to celebrate a cooperation agreement, among others, with Lovaina University and Paris I, with Mapfre's documentation center, and with the Reinsurance Institute of Brazil (IRB) so they can be included in this project, given that they count with extraordinary libraries. The same could be done with other European, Asian, and African libraries. Moreover, it is important to include libraries in the UK and USA in order to have a balance between Civil Law and Common Law traditions.

Regarding Lovaina University, it would be ideal to incorporate the bibliographical references of the Insurance Company located in Leuven (['International Insurance Library KBC'](#)), which is probably the largest in the world (approximately 60,000 insurance references).

This ambitious project must be developed in several stages. The first stage's goal would be to allow the user to search among libraries and specialized documentation centers, without altering or modifying each individual technological platform. This part would be included as a link on AIDA's website.

The second step would be to undertake inter-library cooperation agreements, destined to make available to the user a physical copy of the desired book, magazine, article, etc. These agreements, of course, will respect copyright as well as national and international legal framework.

On a third level, just to mention the main ones, a universal catalogue of AIDA's electronic library could be created, in order to identify in one document, catalogued by author and subject, the totality of bibliographical sources located in said libraries and centers.

Success of this project will obviously depend on effective international cooperation.

5) RENEWAL OF THE AIDA MAGAZINE: ELECTRONICALLY AND CONVENTIONAL FORMAT

In accordance with the Association's statutes (Art. 3), it is established that AIDA will have a magazine. There is no doubt that this is an extraordinary tool for the promotion of scientific knowledge and diffusion of Insurance Law information on an international level.

Therefore, the idea is to renew this important project, of great academic value, that would contribute to strengthen institutional commitment.

For this purpose, on its first stage, taking advantage of AIDA's website, an electronic Magazine could be created as a link within said Internet page.

On a second stage, the magazine could be published on paper, if possible in one language. The support of a prestigious international publisher would be needed for this purpose.

If said support cannot be obtained, national and international magazines related to AIDA's National Sections could publish some of its content as an annual supplement. Therefore, for this purpose, it would be useful to stimulate cooperation agreements with magazines such as: Assicurazioni; BILA, Revue Générale du Droit des Assurances; Española de Seguros; Jurídica Argentina del Seguro; Chilena de AIDA, Ibero-Latinoamericana de Seguros AIDA-CILA, etc.

In any case, the magazine would have a director and a scientific editorial committee, composed by distinguished members of the Association.

The electronic magazine could be published every six months, and the paper edition once a year if the proper editorial support is obtained.

In order to make deeper analyses of certain subject, some issues of the magazine could be monographic, this is, destined for one central topic.

6) PUBLICATION OF INTERNATIONAL INSURANCE LEGISLATION

Given that there is ample international legislation on insurance, it would be useful to scholars and AIDA's National Sections to bring together as many insurance legislation as possible in order to publish and diffuse them.

It would be ideal to count with the legislation of all the Association's National Section in English, if possible, or otherwise in their original language.

The first stage, which could be immediately executed, could contain the insurance contract. The second, could include reinsurance and brokerage. The third could comprise legislation related to the business (Public Insurance Law). Stages two and three would be developed after the first is concluded.

The legislation could be alphabetically classified or arranged by continents, and included as a link in AIDA's website; it could also be included in a CD. This project could also be published on paper if a sponsor is willing to support it and an editor interested in its diffusion.

7) PUBLICATION OF INTERNATIONAL INSURANCE JURISPRUDENCE

With the National Section's support, a publication containing insurance jurisprudence could also be done. It would highlight the decisions from the most relevant cases coming from high State or Federal Courts and Arbitration Tribunals.

In its first phase, the publication could gather segments of State or Federal jurisprudence; and on a second Arbitration decisions according to the characteristics of each country.

In principle, a subject guide could be handed out to the National Sections so that they organize and classify their jurisprudence according to it. In this way, there would be a common standard for the publication, which could be alphabetically ordered by countries or continents.

If it is technologically possible, depending on server space and capacity, the information could be included as a link on AIDA's website, identified as International Jurisprudence.

As it happens with the preceding projects, the publication of international insurance jurisprudence would require a sponsor (i.e. University, Insurance and Reinsurance Companies, International Editor, etc). However, once the information is obtained, it may not be difficult to put it on a CD and institutionally distribute it.

For its importance, it would be necessary to foresee an updating mechanism for this publication.

The possibility of publishing the legislation and jurisprudence together in the future could be analyzed. Therefore, after quoting every statute of each Sections' Insurance contract, a national jurisprudence fragment could be included. This would facilitate and enrich the search, because legislation and jurisprudence would concur in one document.

Each National Section could do this work internally, in pro of their members and, in general, of the people interested in knowing local legislation and jurisprudence. This would give greater dynamism to the Sections, which supposes definite commitment of the collaborators regarding the mentioned updating process.

8) INCREASING AIDA-MAIL'S CONTENT: BIBLIOGRAPHIC AND JURISPRUDENCE SECTIONS. AIDA-FLASH

Given the significance AIDA-MAIL has, as well as its extraordinary potential in the near future, it would be convenient to increase its content in order to cover some informative areas, that with no doubt will be interesting for the scientific community.

Therefore, some specific sections could be created, such as a bibliographical and jurisprudence one. This would diffuse new works on insurance and related matters; articles of specialized magazines, etc., and brief summaries of the jurisprudence sent by the National Sections.

However, if it is deemed that the jurisprudence section needs more space or requires a specialized and independent organ for its diffusion, an electronic jurisprudence bulletin could be created or it could be incorporated into AIDA's magazine, according to what was previously mentioned.

In the same way, if it is considered to be convenient, a more dynamic and flexible informative organ could also be adopted: the *AIDA-FLASH*, which would be sent by the Internet more regularly with day-to-day information. Therefore, AIDA-MAIL would be reserved for elaborate and institutional information, and AIDA-FLASH could include informal and concise information.

AIDA-FLASH, as it happens with AIDA-MAIL, would be chronologically archived on Association's website.

We believe it is important to stimulate all matters regarding information exchange.

9) INCREASING THE SERVICES OFFERED BY AIDA'S WEBSITE

Knowing of the Internet's importance and of AIDA's website versatility, it would be advisable to increase its useful services. This would directly benefit the National Sections and the international community interested in the study of Insurance Law.

Taking into account the previously mentioned projects, said website could incorporate additional information: AIDA's Statutes; the grounds for the Scientific Research Prize; the Association's magazine; the electronic library; international legislation and jurisprudence; AIDA-FLASH; the periodic reports handed by the Chairmen of the Working Parties; the general program of the World Congresses; a calendar of the main academic activities programmed by the National Sections and the Working Parties, etc.

It would be fundamental to stimulate all National Sections to create their own website, which could enrich AIDA's own web page. This could establish an extensive network of internet links in benefit of all the Association's members.

10) PROMOTION AND PUBLISHING OF SPECIALIZED MONOGRAPHIC WORKS

In accordance with art. 3 of the Association's statutes (letter d), it would be plausible to stimulate the elaboration of monographic works on Insurance Law and similar subjects. This would have two specific purposes: first, promote scientific research on issues related to AIDA, and second its international and University diffusion.

The publication of these works could be in different formats: on AIDA's website and on AIDA's magazines or, depending on the case, on those of the National Sections.

In the same way, depending on their length, some Universities or institutions could sponsor this publication on paper. This has been offered by Colombia's Pontificia Universidad Javeriana Law School, who has placed on AIDA's disposition its International Collection (*Colección Internacional*), which has published various research works on Insurance and Reinsurance Law.

It should be noted that this project does not confront with the one indicated on number two of this document, because the scope of each investigation is different. In effect, AIDA's prize must be more rigorous and systematic. The same happens with the essays and studies coordinated by the Chairmen of the Working Parties (letter e, point No. 1).

Finally, the diffusion or publication of doctoral theses or other University investigations on Insurance Law can also be promoted.

11) ACADEMIC COOPERATION AGREEMENTS: ESTABLISHING AN INTERNATIONAL SUPPORT NETWORK

In order to strengthen AIDA's bonds with Universities, and such as it is established in article 3 of its statutes (letter f.), it would be advantageous to undertake different institutional academic cooperation agreements, especially with Universities that count with Insurance and similar programs, such as: Catholic University of Lovaina; Paris I; la Pontificia Universidad de Salamanca; Pontificia Universidad Javeriana, etc. Each institution will, of course, maintain their independence; the object is to consolidate efforts and take mutual advantage of each of the parties' strengths.

These agreements could contemplate fluid information and bibliographical exchange; performing Congresses, Colloquiums, or Seminars; doing collective legal research, which could be published and diffused nationally and internationally once they are conclude; the exchange of academic reunions among AIDA members and University professors.

In this manner, there could be international cooperation by creating a dynamic support network, which would comprehend various Universities, notwithstanding that they do not develop postgraduate studies on this subject matter.

In the same way, taking into account that several associations and organizations develop similar topics as AIDA, cooperation agreements could also be engaged with them: UNIDROIT; UNCITRAL; the European Insurance Committee; the International Maritime Committee; Asociation Henry Capitant, the American Bar Association, etc.

12) GETTING CLOSER TOGETHER WITH THE JUDICIARY AND GOVERNMENT AGENCIES IN CHARGE OF CONTROL AND SURVEILLANCE OF THE INSURANCE MARKET

Respecting the judiciary's autonomy and independence and knowing the specialty and technical aspects that surround insurance and reinsurance, it could be interesting to organize academic activities with Judges and Magistrates in some AIDA countries.

Therefore, performing rounds, congresses, colloquiums, seminars, etc, could be very important because, among others, it would carry out AIDA's scientific and independent character. Moreover, it would contribute to the greater dynamism of the Sections interested in supporting this institutional project, which would be done after undertaking a cooperation agreement with the corresponding national authority.

Additionally, if AIDA and its National Section can get closer to the judiciary, we could count with more participants at the Association's regional and world Congresses.

Moreover, taking into account that AIDA is a highly specialized international association, known for its impartiality, it could serve as a consulting organism for governmental agencies in charge of the insurance market control and surveillance, and in some cases to the legislative power to provide comparative information on insurance matters.

In this way the Association could render a valuable service to the international community.

13) CREATION OF OTHER REGIONAL AIDA COMMITTEES

As it has been previously analyzed, it would be convenient to study the possibility of creating more AIDA regional Committees. This could give greater dynamism to the Association and, especially, to the comprised region. This happens with the Iberian-Latinamerican Committee AIDA-CILA, which has developed numerous Pan-American Congresses and scientific projects: i.e. The Iberian-Latinamerican Insurance Magazine, which has edited XVIII issues; the Iberian-Latinamerican Insurance Library J. Efrén Ossa G., Documentation Center of the CILA-AIDA members; the project for the Insurance Contract Model Act for Latin America

(conceived and developed by Prof. Juan Carlos F. MORANDI); the recent electronic CILA Bulletin.

In this sense, among others that are found to be pertinent, the establishment of a European Committee, as it was suggested by Prof. Bernard VIRET, former AIDA President, could be analyzed. Professors FONTAINE, GAMBINO, SANCHEZ CALERO, and DIAZ BRAVO agree with the essence of this idea.

The Committee or Committees would have a President and a Vice-president (and a Secretary if needed), and their own statutes if they judge it advisable.

If the Presidential Council finds it convenient, an internal committee could be designated in order to examine this specific issue. Its suggestions and comments would be drafted on a future opportunity.

14) FINANCIAL STRENGTHENING: DESIGNATION OF A FINANCIAL COMMITTEE

Though it is clear that AIDA's main goal is merely scientific and that there is no aim to obtaining profit, it is also true that it needs to count with important economic funding so it can develop its activities.

Therefore, it is indispensable to promote a campaign for the systematic charging and payment of the National Section's annual subscription fee, which has not been successful up to date.

However, the possibility of obtaining additional resources from national or international organizations could be studied (i.e. European Insurance Committee, OCDE, European Community, etc). This would imply, of course, that all parties conserve their independence.

In this case, numeral 2, article 12 of the Association's Statutes is quite clear when it states that AIDA's financial resources also comprehend voluntary contributions from the National Sections and subventions from other sources.

For this project, it would be pertinent to appoint a financial committee (permanent or “pro tempore”), integrated by some members of the Presidential Council. This would be very useful because the committee could examine this and other alternatives and then submit them before the Council for approval.

In the same way, only as a reflection, it could be thought that the hosting Sections for the World Congresses contribute a moderate percentage of the obtained economic benefits to AIDA, ie. 5 or 10% of the benefits. After all, an invitation done by the Association has a direct positive impact on the number of assistant, especially on an international level.

15) PROGMATIC AND INSTITUTIONAL ASSISTANCE TO THE NATIONAL SECTIONS

Maintaining the National Section’s autonomy, it could be useful to iterate the Association’s directors commitment towards actively cooperating with them.

In this sense, it would be helpful to offer institutional support aimed at motivating and promoting several academic activities, especially for passive or not to dynamic Sections, who usually do not carry out this type of events (i.e. Congresses, Colloquiums, Seminars). Several members of AIDA could participate as speakers, which would evidently enrich said National Section and bring them closer together to the Association.

It is not inexact to state that there are numerous dynamic, supporting, and collaborating National Sections, but there are also passive and stationary ones. The latter are not contributing towards AIDA’s goals.

Anything that can be rationally done to preserve, stimulate, or reactivate the Section’s commitment towards the Association will be very useful.

In sum, it is important not to wait for some Sections to stop all activities, but rather to anticipate this circumstance by making respectful suggestions and offering effective cooperation. After all, belonging to AIDA gives rights, but it also accounts to definite commitment and responsibility, which must be met for the benefit of national and international Insurance Law.

In motivating the Sections, given the prestige and strong regional ties that the members of the Presidential Council have, they can play a leading and valuable role that will establish fluid communication.

In any case, most of the projects contained in this document are designed to give constant dynamism to the National Sections. This supposes working in short and long term, and together with AIDA's traditional questionnaires, the Sections will have the opportunity of fulfilling their mission.

16) CELEBRATION OF THE ASSOCIATION'S 45th ANNIVERSARY

On 28th April 2005, AIDA will have been established for forty five years.

In order to honour this representative anniversary, it would be important to conclude by that date, as it was previously mentioned, some of the projects contained in this document.

Additionally, the pertinence of commemorating this anniversary with the already organized academic activities for that year could be studied (i.e. the German Section Congress on the first semester of 2005, and the IX Iberian-Latinamerican Congress AIDA-CILA that will take place in Mexico on the second semester of said year.

Likewise, other academic and cultural activities, which would be defined by the Presidential Council, could be programmed for the 45th Anniversary celebration.

Pursuant to article seven of AIDA's Statutes, I respectfully submit for the Presidential Council's consideration this global work plan. I am sure that with your qualified support, and that of the General Secretariat and other AIDA Directors, the projects will be executed if our limitations and restrictions allow us to do so. I recognize that this is an ambitious plan, yet it is viable if we count with your close cooperation and that of the international community.

CARLOS IGNACIO JARAMILLO J.

President