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REPORT ON THE INTER-AMERICAN PROGRAM  
FOR THE DEVELOPMENT OF INTERNATIONAL LAW  
[AG/RES. 2660 (XLI-O/11)]

(Activities carried out by the Department of International Law of the  
Secretariat for Legal Affairs during the period 2011-2012)



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## Presentation of the Report

The Inter-American Program for the Development of International Law (the Program) was initially adopted by the OAS General Assembly in Lima, Peru, in 1997, through resolution AG/RES. 1471 (XXVII-O/97). It was adopted in the framework of the principles and purposes established in the Organization's Charter and pursuant to the 1996 Declaration of Panama on the Inter-American Contribution to the Development and Codification of International Law [AG/DEC. 12 (XXVI-O/96)].

Fourteen years after the Program first went into effect, the General Assembly, at its forty-first regular session, held in June 2011 in San Salvador, El Salvador, decided through resolution AG/RES. 2660 (XLI-O/11) to update it to bring it into line with developments in recent years, in view of the important progress made in the area.

The General Assembly thus reaffirmed the importance of and its support for, the Program and requested the Department of International Law (DIL) to continue carrying out the activities listed therein, as it had since the Program was first adopted in 1997.

The objective of the Program is to implement actions to disseminate awareness about inter-American treaties, the development of the legal system within OAS bodies, and the teaching of inter-American international law, through publications and other means as well as through cooperation in the development, dissemination, and teaching of international law in the Hemisphere.

This document contains a report on the Program's implementation over the past year (2011-2012), in the framework of resolutions AG/RES. 2590 (XL-O/10) and AG/RES. 2660 (XLI-O/11).





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during the period 2011-2012

Executive Summary

The Department of International Law (DIL) of the Secretariat for Legal Affairs of the Organization of American States (OAS) is pleased to present its report on the activities carried out over the past year in relation to the Inter-American Program for the Development of International Law.

This has been an important year for the Program as it was updated by the General Assembly through its most recent resolution on the subject, i.e., resolution AG/RES. 2660 (XLI-O/11), adopted by the Assembly at its forty-first regular session, in June 2011 in San Salvador, El Salvador. By updating the Program, the OAS member states have affirmed the importance that the Organization attaches to it.

In the updated version of the Program (which can be found in the “Annexes” section of this report), the Department has continued to consolidate some of its more traditional activities, such as the Course on International Law and other events for the promotion and dissemination of international law and the inter-American system.

Moreover, as is well known, the DIL has greatly expanded its activities in recent years by incorporating a series of projects on different topics financed with specific funds, or in response to mandates relating to activities and objectives of the Inter-American Program for the Development of International Law. Once again this year, this has been reflected in an increase in the Department’s various activities to promote and disseminate international law, in particular in areas related to the Organization’s agenda, such as

access to information, protection of personal data, private international law, family law, secured transactions, international refugee law, international humanitarian law, the International Criminal Court and the Permanent Court of Arbitration, and the Inter-American Democratic Charter, as well as specific groups in vulnerable situations, including, for example, indigenous peoples and persons of African descent. The gender perspective is taken into account whenever we plan and execute our activities.

At the same time, the DIL staff have again continued to give lectures, presentations, and classes and have been involved in other activities related to international law, the inter-American system, and the work of the OAS in different forums.

The Department has pursued its efforts to disseminate international law through publications and its Website. In addition, in order to publicize its activities and disseminate them as widely as possible, it began this year to send out electronic press releases to its network of contacts on each of the events it holds to promote and disseminate international law.

It has redoubled its efforts to disseminate the legal instruments of the inter-American system and to process the deposit of instruments of ratification and accession and notifications, certifications, reports, etc., regarding international treaties and other agreements.

Lastly, the DIL has endeavored to continue establishing new ties of cooperation and to strengthen existing ones with the entities with which it has concluded agreements on activities to promote and disseminate international law, thereby contributing to the funding of many of the activities described in this report.

In conclusion, all of this has led to a series of tangible results concerning implementation of the Program during the yearly period in question, as may be seen in the following pages. (For a summary of results, see Section IX, "The Program in Figures.")

Dante Negro  
Director of the Department of International Law  
Secretariat for Legal Affairs

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## **I. Background**

The Inter-American Program for the Development of International Law was initially adopted by the General Assembly through resolution AG/RES. 1471 (XXVII-0/97) at its regular session in Lima, Peru in 1997. The original text of the Program contained a description of the different areas, activities, and objectives to be undertaken by the Organization on a permanent and continuous basis to guarantee the development, promotion, and effective application of international law formulated within the framework of the inter-American system.

The principal origin of the Program adopted in 1997 was the “Declaration of Panama on the Inter-American Contribution to the Development and Codification of International Law” [AG/DEC. 12 (XXVI-0/96)], adopted by the General Assembly in Panama in June 1996.<sup>1</sup> In a series of resolutions since 1997, the General Assembly has reiterated its commitment to the Program and highlighted its priority areas.

In June 2011, the General Assembly gathered in San Salvador, El Salvador, underscored, through resolution AG/RES. 2660 (XLI-O/11), the importance and ongoing validity of the principles of international law set forth in the OAS Charter as a standard to govern the conduct of states in their relations with one another. With this in mind, the resolution took note of the important progress made in the area and thus recognized the need to update the Program.

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<sup>1</sup> For the complete text of the Declaration of Panama, see the section “Annexes.”

Accordingly, the resolution in question has given fresh impetus to the Program by bringing it into line with new developments that have taken place since the original text was adopted, taking into account the results achieved to date. The resolution also reaffirmed the importance of the Program, reiterated its support for it, and requested the Department of International Law to continue carrying out the activities listed therein.<sup>2</sup>

## **II. XXXVIII Course on International Law**

The objectives of the Inter-American Program for the Development of International Law include strengthening the Course on International Law organized each year in Rio de Janeiro by the Inter-American Juridical Committee and the DIL of the Secretariat for Legal Affairs, by incorporating lectures on the latest developments in the field of international law and on the hemispheric agenda.

In compliance with these mandates, the XXXVIII Course on International Law took place from August 1 to 19, 2011, in Rio de Janeiro, Brazil (seat of the Inter-American Juridical Committee). The course was organized by the DIL of the Secretariat for Legal Affairs and by the Inter-American Juridical Committee, which held its session to coincide in part with the dates of the course, thus enabling the course to take advantage of the presence of some eminent jurists members of the Court as lecturers.

As is widely known, the Course on International Law is one of the most emblematic and traditional activities of the Organization of American States with respect to the promotion and dissemination of international law. Hence the importance of this event which, for 38 years now, has been preparing young people from all over the Americas, many of whom have gone on to hold prominent positions in their respective countries, in both the public and the private spheres, and even at the OAS and other international organizations.

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<sup>2</sup> For the full text of the updated version of the Program, see the section “Annexes.”

This year, the central topic of the course was “International Law and Democracy,” in commemoration of the 10th anniversary of the adoption of the Inter-American Democratic Charter.

Naturally, the course addressed matters related to that instrument and to the defense of democracy in the inter-American system in general, as well as other issues which, from different perspectives, explored possible ties between international law, democracy, and other related values, such as consolidation of the rule of law and of institutions peculiar to democracies. It also covered other timely subjects of international law not directly linked to the principal course topic, among them international humanitarian law; international refugee law; private international law; current issues pertaining to international courts, such as the International Court of Justice and the International Tribunal for the Law of the Sea; international law and the fight against terrorism; international arbitration and the Permanent Court of Arbitration, and so on.

The course also provided an opportunity to spread knowledge about topics and processes directly related to the Organization, including among others the peaceful settlement of disputes in the inter-American system, the work of the Inter-American Juridical Committee, the role of OAS electoral observation missions, the part played by the OAS in dealing with groups in vulnerable situations, and the Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance.

A select group of professors from various countries in the Americas and Europe took part in the event, all of them outstanding figures in the world of international law, such as the aforementioned members of the Inter-American Juridical Committee, professors from different universities in the region and in Europe, authorities and experts from various international agencies, judges on international courts, and specialists from the OAS General Secretariat.

The students consisted of 18 young OAS scholarship recipients from various countries of the region and 15 individuals who had not received scholarships, which brought the total number of course participants to 33. All of them are professionals working in the field of international law and international relations.

The course was rated very highly in a questionnaire filled out anonymously by the students, who graded it outstanding. The questionnaire also gave the students the opportunity to make suggestions to improve the course.<sup>3</sup>

The annual publication edited by the Department of International Law, which will contain the course materials and become part of the inter-American system's bibliographical collection, should be ready soon. It will also provide broader public access to the presentations made during the course.

Finally, as a means of encouraging students to conduct research, the course coordinators offer not only an "Attendance Certificate" to participants who attend and pass the course requisites (including two tests), but also an "Achievement Certificate" for students who submit an original research paper. A group of course students submitted their respective papers, probing

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<sup>3</sup> Following the course, the students who participated wrote to the academic coordinator to express their satisfaction in the following terms: "We would like to express our appreciation for the opportunity the OAS afforded all of the professionals who took part in the XXXVIII Course on International Law and Democracy, held in Rio de Janeiro in August 2011. Allow us then to apprise the Organization of our feelings and experiences during the course. The course was excellent, among other things because of the high quality of its lecturers. Judges with outstanding academic and professional qualifications who serve on the world's most prestigious international courts were present, as were professors from the most renowned universities in Europe and the Americas, officials from arbitration tribunals, and OAS staff members known for their professionalism, their selfless devotion to ensuring that international law prevails, and their stalwart defense of democracy in our Hemisphere. ... [O]ur presence at this superb post-graduate course with colleagues who work tirelessly to protect democracy enriched us academically and professionally and provided us with a great opportunity that many of us longed for but would not have been able to find in our own countries. [...] In these short lines, we would like to say how happy we were to have been awarded these scholarships as the course surpassed all our expectations. We appreciate the hard work put into it by the Organization, and we want those involved to know that we are all prouder now than ever before to be "Americans," to belong to this ethnically rich Hemisphere striving to defend democracy and respect for human rights, which is essential to establish ties of respect, peace, and brotherhood among us. Allow us to extend our most heartfelt thanks."

further into the subjects taught in relation to the inter-American system and international law in general.

See the following link for the full program of the XXXVIII Course on International Law:

[http://www.oas.org/dil/esp/XXXVIII\\_Curso\\_Derecho\\_Internacional\\_programa.pdf](http://www.oas.org/dil/esp/XXXVIII_Curso_Derecho_Internacional_programa.pdf).

### **III. Activities undertaken to disseminate international law and/or the inter-American system in the framework of projects and mandates on specific topics**

In addition to the Course on International Law, the Inter-American Program for the Development of International Law envisages other training activities on different aspects of inter-American law, in particular on the Organization's more recently developed thematic areas.

For some time now the DIL has been incorporating projects on specific topics within the framework of various cooperation agreements, which afford an opportunity to conduct a variety of activities aimed at disseminating and promoting international law and the inter-American system, as the case may be. The Department has also been conducting activities under various mandates related to those of the Inter-American Program for the Development of International Law.

We shall therefore proceed to describe the work of the DIL in these areas, which, we believe, reinforce the Organization's interest in "promoting the broadest possible awareness of the inter-American legal system," as envisaged in the Declaration of Panama on the Inter-American Contribution to the Development and Codification of International Law.

#### **A. Access to information**

During the period covered by this report, the DIL conducted various activities in the area of access to public information.

In this connection, the OAS General Assembly, through its resolution AG/RES. 2661 (XLI-O/11), adopted on June 7, 2011, encouraged member states to hold domestic and regional seminars on the implementation of the Model Inter-American Law on Access to Public Information in their national contexts and to provide conclusions and recommendations as a means to help incorporate the standards of said Model Law in the legal, judicial, and administrative practices of the member states.

Several events have been held in the states pursuant to this mandate so as to allow each of them to draw conclusions and make recommendations necessary for incorporating the norms of the Model Law into domestic local contexts. More information on these activities is provided below.

1. *International Seminar on the Model Inter-American Law on Access to Public Information and Its Implementation in the Region and in Mexico*

The Department of International Law organized an International Seminar on the Model Inter-American Law on Access to Public Information and Its Implementation in the Region and in Mexico on March 10 and 11, 2011, in Mexico City. The event was co-sponsored by Mexico's Federal Institute for Access to Information and Data Protection (IFAI), the Secretariat of Foreign Affairs of Mexico (SRE), the Institute for Legal Research of the Autonomous University of Mexico (UNAM), the Mexican Conference on Access to Public Information (COMAIP), the Institute for Access to Public Information of the Federal District (INFODF), and the Center for Research and Teaching in Economics (CIDE).

The seminar focused on a regional discussion on the relevance of the Model Law, as well as on the incorporation of the standards contained therein into legislative development processes at federal and state levels in Mexico.

It was concluded in the context of that event that the Model Law provided Mexico and the states of the region with a necessary instrument to comply with their obligations under international law to guarantee access to public information. The seminar also contributed to legislative debate on amendments to Mexico's



Federal Transparency Law, with special emphasis on the obstacles and challenges faced by that country in the area of access to information. Thus, the seminar's conclusions and recommendations, approved and circulated by the OAS Permanent Council through its Committee on Juridical and Political Affairs (CAJP), constitute a program of action and a call for serious reflection on incorporating the standards of the Model Law into Mexico's legislation and administrative practices.

Among the recommendations approved, the member states that had not yet done so were encouraged to adopt laws consistent with the Model Law, and those that already had legislation were urged to review and evaluate their regulatory systems and practices at all levels of government, with a view to incorporating the standards required by said instrument.

Finally, it was decided that the development of model laws must be used in other areas to provide member states with a framework for complying with international legal provisions and standards and to offer a practical reference point for incorporating them into national systems.

## *2. Second International Seminar on the Model Inter-American Law on Access to Public Information and Its Implementation in the Dominican Republic*

This seminar, the second in the series of seminars on access to information, was held in Santo Domingo, with the aim of analyzing the legal and practical framework in the Dominican Republic and providing recommendations for incorporating the Model Law into the reforms envisaged in that country.

The International Seminar on the Model Inter-American Law on Access to Public Information and Its Implementation in the Dominican Republic was held on June 9 and 10, 2011, in the Eduardo Latorre Rodríguez Auditorium of the Ministry of Foreign Affairs. Co-sponsoring the event were the Chamber of Deputies, the Ministry of the Presidency, the National Council for State Reform, the Regional Alliance for Freedom of Expression and Information, the *Pontificia Universidad Católica Madre y Maestra*, and the World Bank.

The seminar provided specific recommendations for incorporating the Model Law into the amendments to Law 200-04 envisaged by the Chamber of Deputies, the Ministry of the Presidency, and CONARE, as a result of spirited and dynamic debate among the three branches of government, in search of the most appropriate formula for including the Model Law in the local regulatory framework.

*3. Round Table on the Inter-American Model Law on Access to Public Information (World Bank)*

On May 18, 2011, the DIL held a round table, in conjunction with the World Bank, on the role of the Model Inter-American Law on Access to Public Information in the development and modernization of legal frameworks on transparency and access to information.

The seminar, held at the World Bank's headquarters in Washington, D.C., in collaboration with the World Bank management on Governance and the Public Sector, Anti-Corruption, the Legal Vice Presidency, and the Latin America and Caribbean section, reviewed the important role that international financial organizations can play in implementing the Model Inter-American Law on Access to Public Information, as well as in sharing global best practices and knowledge within the region.

The text of the Model Law and its Implementation Guide were discussed in detail, as were strategies for its implementation, with specific emphasis on the advantages and challenges of bringing the domestic legal systems of the OAS member states into line with it, and the synergies and points of convergence between the efforts made by the World Bank and the OAS to jointly promote the right to access to information.

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For other activities on access to public information, see section IV of this report.

## B. Family Law

### 1. *Cooperation Network*

The DIL continued to carry out various activities to promote and disseminate the possible consolidation of an Inter-American Network for Legal Cooperation in the Area of Family and Child Law, pursuant to mandates from the Seventh and Eighth Meetings of Ministers of Justice and Other Ministers or Attorneys General of the Americas (REMJA-VII and VIII), which instructed that efforts be made to look into a possible network in the area to facilitate access to the inter-American system for protecting and safeguarding the family and children and to foster international cooperation in this regard.

After two pilot meetings (the first in 2009 for Spanish-speaking countries, and the second in 2010 for English-speaking countries) and a technical meeting of the member states, intended to establish the initial outline for a possible network, the Department continued, under Brazilian coordination, to move forward in developing the Network's components.

During the process, the participating states expressed their conviction that the network could serve as an essential tool for developing hemispheric legal cooperation in the area of family and child law, pursuant to mandates from the REMJA, and provide effective solutions to the common problems besetting people throughout the Americas, thus making it possible to reduce distances and lessen the time lost in processing and communicating with everyday tools, in efforts to achieve better and closer coordination in the Hemisphere.

### 2. *Virtual meetings*

The DIL held virtual meetings of the Inter-American Network for Legal Cooperation in the Area of Family and Child Law between April and August 2011, under the coordination of Brazil, in view of a possible technical meeting of the Meeting of Ministers of Justice and Other Ministers or Attorneys General of the Americas (REMJA). The virtual meetings, held through the Network's secure communication system with the participation of authorities

designated by the states, were intended to clarify the substantive and procedural scope of the network and to consider possible additional work needed for REMJA-IX.

The purpose of the secure electronic communication system through which these meetings are held is to enable authorities designated by the member states to discuss consolidation of the network and to exchange confidential information and authentic documents, thus ensuring immediate, flexible, and secure international legal cooperation. The system is also versatile and capable of growth, affording the possibility of virtual communities, videoconferences, and other technological innovations in the future to interconnect the designated authorities and, in so doing, facilitate information exchange in this and other areas.

### *3. Seminar on Legal Cooperation in the Area of Family and Child Law*

The DIL organized the International Law Seminar: Cooperation in the Area of Family and Child Law, which was held at OAS headquarters in Washington, D.C., on October 17 and 18, 2011, in order to continue to promote legal cooperation in the framework of related inter-American conventions.

The purpose of the seminar was to seek new means to facilitate legal cooperation in the area of family and child law in the Americas, by conducting an in-depth analysis of the conventions of the inter-American system to determine whether they conform to current needs. Comparisons were drawn with the universal and European systems to learn from the experiences and best practices of other regions in order to improve regional implementation. Likewise, the seminar helped disseminate the work carried out by the OAS in the promotion and development of international law, especially private international law.

Participants included representatives of the OAS permanent missions to the OAS, staff members of the Organization, the designated central authorities for inter-American conventions on private international law on family matters, academics, professionals with an interest in the topics addressed by the seminar, civil society organizations, and the public at large.

A report on the work conducted by the International Law Seminar: Legal Cooperation in the Area of Family and Child Law was made to the Committee on Juridical and Political Affairs to inform it of the conclusions reached.

### C. Secured Transactions

#### 1. *Annual meeting of the Section of International Law of the American Bar Association*

The DIL collaborated in organizing the annual meeting of the Section of International Law of the American Bar Association, held in Washington, D.C., from April 5 to 9, 2011. In particular, the DIL worked with the United Nations to organize and hold a panel on reforms to regional and international systems for secured transactions.

The purpose of the panel was to address efforts made by the two organizations in updating local legal systems, with a view to increasing access to credit, particularly for small and medium-sized businesses, and reducing borrowing costs. The panel identified best practices and existing challenges in current systems, as well as the solutions set out in the reforms proposed by the OAS and the UN in the area.

#### 2. *Meeting with government officials on modernization of local secured transaction systems*

The DIL organized a meeting with government officials from Chile, Colombia, Guatemala, and Panama to discuss the modernization of their local secured transaction systems. The event was held on September 7, 2011, with support from the U.S. Department of State.

The deliberations focused on economic rationale, the importance and necessity of creating secured transaction systems in the Americas, the background to the area within the OAS, and the contents of the Model Inter-American Law on Secured Transactions as the standard approved by the Organization to serve as a guide for regulatory frameworks in the member states. It also addressed the need for each country to establish a National Secured

Transaction Registry, through the adoption of the Model Registry Regulations, which, like the Model Law, were adopted by the member states at the Inter-American Specialized Conferences on Private International Law to complement the corresponding legal framework.

The participants evaluated the current legal framework in their countries as well as the needs of economic actors, the implementation of technical assistance and cooperation programs on modernization of their local systems, and the possible creation of a legal system and a secured transaction registry, using as a basis (or starting point) the implementation of related inter-American instruments in some OAS member states, in particular Mexico, which had recently incorporated the Model Regulations into its system—a measure that had a considerable impact on economic actors in that country gaining access to credit. Lastly, the participants discussed possible challenges and opportunities regarding the creation of a local secured transaction system in Chile, Colombia, Guatemala, and Panama.

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For additional activities pertaining to secured transactions, see section IV of this report.

#### D. International Refugee Law

##### *III Course on International Refugee Law of the CAJP*

The III Course on International Refugee Law of the CAJP was held at the headquarters of the Organization of American States on Thursday, October 20, 2011. It was organized in response to the mandate issued in resolution AG/RES. 2678 (XLI-O/11), “Protection of Asylum Seekers and Refugees in the Americas,” which instructed the Permanent Council to organize that activity through the Committee on Juridical and Political Affairs (CAJP). The resolution also requested that the event be held with DIL support and with the technical and financial collaboration of the United Nations High Commissioner for Refugees (UNHCR).

The course was given in English and Spanish, with simultaneous interpretation available in the four official languages of the Organization. It was directed at staff of the permanent missions and of the General Secretariat, as well as other interested parties. The more than 80 people who participated received an attendance certificate issued by the DIL. The course was made available via Webcast to enable it to reach a broader public.

It should be noted that a total of three courses have been held on this subject in the framework of the CAJP, in addition to a special meeting. This year the course focused on four topics: commemoration of the 60th anniversary of the 1951 Convention relating to the Status of Refugees and, in particular, the role of the Americas and the OAS; international protection of refugees: trends, challenges, and recent developments; climate change, natural disasters, and international protection; and mixed migration and considerations for the international protection of refugees.

Participating lecturers included the following renowned UNHCR experts: Louise Aubin, Deputy Director, Division of International Protection, UNHCR, Geneva; Vincent Cochetel, UNHCR Regional Representative for the United States and the Caribbean; and Juan Carlos Murillo, Regional Legal Advisor, Regional Legal Unit of the UNHCR in Costa Rica.

It bears mentioning that this event was largely facilitated by the cooperation agreement between the General Secretariat and UNHCR signed in November 2007, which has made it possible to include this subject matter in various DIL activities aimed at promoting and disseminating international law.

For further information on the Course on International Refugee Law, see the respective link on the DIL Web page: [http://www.oas.org/dil/refugees\\_courses.htm](http://www.oas.org/dil/refugees_courses.htm).

## E. International Humanitarian Law

### 1. *V Course on International Humanitarian Law of the CAJP*

The V Course on International Humanitarian Law (IHL) was held at the headquarters of the Organization of American States on

Thursday, January 26, 2012, pursuant to General Assembly resolution AG/RES. 2650 (XLI-O/11), "Promotion and Respect for International Humanitarian Law," which instructed the Permanent Council to carry out this activity through its Committee on Juridical and Political Affairs (CAJP). In accordance with said resolution, the course was organized by the Department of International Law (DIL) with the collaboration of the International Committee of the Red Cross (ICRC).

The course was held in English and Spanish, with more than 100 people participating, including members of the permanent missions, General Secretariat staff, and other interested persons. Simultaneous interpretation was provided in the four official languages of the Organization. The event was made available to the member states via Webcast, thus enabling interested persons throughout the region to participate. Participants received an attendance certificate issued by the DIL.

This year's course focused on the use of armed force, through an analysis of current legal frameworks and their integration into doctrine, as well as on regulatory frameworks for the protection of persons in situations of armed violence and humanitarian assistance to victims and vulnerable populations.

The course curriculum, documentation, exercises, and presentations are available on the DIL Webpage:

[http://www.oas.org/dil/international\\_humanitarian\\_law\\_courses.htm](http://www.oas.org/dil/international_humanitarian_law_courses.htm).

Recordings of the classes are also available at the following link: [www.oas.org/en/media\\_center/videos.asp?sCodigo=12-0006&videotype](http://www.oas.org/en/media_center/videos.asp?sCodigo=12-0006&videotype).

## *2. Special Meeting on International Humanitarian Law*

The Special Meeting on International Humanitarian Law (IHL) was held at the headquarters of the Organization of American States on January 27, 2012, pursuant to General Assembly resolution AG/RES. 2650 (XLI-O/11), "Promotion of and Respect for International Humanitarian Law," which instructed the Permanent Council to hold this activity in the framework of the Committee on Juridical and Political Affairs (CAJP). In keeping with that



resolution, the meeting was organized by the DIL in coordination with the International Committee of the Red Cross (ICRC).

The special meeting afforded member states the opportunity to present the commitments made at the 31st International Conference of the ICRC on illegal obstruction of the provision of health care and on the interplay of international humanitarian law and international human rights law governing the use of force and non-criminal detention for security reasons.

For further information on the special meeting, go to the following link, which includes documents of the meeting as well as audio and video recordings:

[http://www.oas.org/dil/international\\_humanitarian\\_law\\_special\\_sessions.htm](http://www.oas.org/dil/international_humanitarian_law_special_sessions.htm).

## F. International Criminal Court

### *Working meeting on the International Criminal Court*

For the seventh consecutive year, the DIL helped organize the working meeting on the International Criminal Court. This time it was held on March 10, 2011, at OAS headquarters.

The meeting consisted of two working panels. The first was a high-level dialogue among the permanent representatives of the member states on the results of the Review Conference of the Rome Statute, held in Kampala, Uganda, from May 31 to June 11, 2010.

The panel was made up of Congressman Felipe Michelini, National Representative of Uruguay, Parliamentarians for Global Action; and by Ambassador Christian Wenaweser, President of the Assembly of States Parties to the Rome Statute of the International Criminal Court.

The second panel consisted of presentations on the work carried out in the area by the Inter-American Juridical Committee, the Office of the Prosecutor of the International Criminal Court, the International Committee of the Red Cross, and the Liaison Office of

the Court to the United Nations. Dr. Mauricio Herdocia was present as representative of the Inter-American Juridical Committee.

Lastly, it should be noted that the DIL made an oral presentation on the background to the General Assembly mandate, the support provided by the Inter-American Juridical Committee, and measures taken to promote the Court.

#### G. Permanent Court of Arbitration

##### *Round table on the Permanent Court of Arbitration*

On April 8, the DIL organized a round table on the Permanent Court of Arbitration and its work in the peaceful settlement of disputes. In attendance were Dr. Garth Schofield, Legal Counsel to the Court, and Dr. Guillermo Fernández de Soto, Chair of the Inter-American Juridical Committee.

A presentation was made on the role of the Permanent Court of Arbitration from a historical perspective, which recognized the importance of arbitration in the inter-American system. References were made to the Court's jurisprudence as it pertained to states as well as individuals. In addition, explanations were given of how arbitration functions differently from regular justice in conflict resolution, and of mechanisms for reviewing and enforcing decisions. Among the conclusions reached was the need to update certain international instruments to enable them to better achieve their purposes in today's world.

It should be mentioned that the DIL serves as the contact point between the Permanent Court and the OAS General Secretariat, pursuant to a cooperation agreement signed by the two institutions in November 2010. The agreement is available in our database at the following link:

<http://www.oas.org/dil/AgreementsPDF/177-2010.PDF>

## H. Democracy

### 1. *Panel on the OAS and the Defense of Democracy: Origins and Evolution*

The 10<sup>th</sup> anniversary of the Inter-American Democratic Charter was celebrated during the period covered by this report. As noted earlier, that was the central theme of the XXXVIII Course on International Law.

Taking advantage of both the course and the session of the Inter-American Juridical Committee (CJI), the DIL organized, in together with the CJI, a panel on “The OAS and the Defense of Democracy: Origins and Evolution,” which was held on Monday, August 1, 2011. The event, which received support from the Ministry of Foreign Affairs of Brazil, took place at the Itamaraty Palace in Rio de Janeiro, Brazil.

The panel session was presided over by Dr. Guillermo Fernández de Soto, Chair of the Inter-American Juridical Committee. Also in attendance were several authorities who have played key roles in promoting and defending democracy within the inter-American system, including Ambassador João Clemente Baena Soares, then Vice Chair of the CJI and former Secretary General of the OAS; Ambassador Jean-Paul Hubert, CJI member and Canada’s first ambassador to the OAS; and—through a pre-recorded video message—Ambassador Luigi Einaudi, former OAS Assistant Secretary General. The Organization’s Secretary for Legal Affairs, Dr. Jean-Michel Arrighi, served as the session’s moderator. In addition, Minister Carlos Henrique Moojen de Abreu e Silva, Director of the Department for the United States of America, Canada, and Inter-American Affairs of Brazil’s Ministry of Foreign Affairs, gave the event’s closing address.

In addition to reviewing the main documents adopted by the Committee over the years, the panelists shared their personal experiences in the implementation of mechanisms for strengthening democracy in the OAS, such as the electoral observation missions that began when Ambassador Baena Soares was Secretary General, and the creation of the Unit for the Promotion of Democracy following a proposal made by Canada during

Ambassador Hubert's term as that country's representative to the OAS.

The entire event was filmed to enable it to reach a broader audience and to have a documentary record of the event. The film is available at the following link:

[http://www.oas.org/dil/esp/Panel\\_OEA\\_defensa\\_democracia\\_origenes\\_evolucion.htm](http://www.oas.org/dil/esp/Panel_OEA_defensa_democracia_origenes_evolucion.htm).

## *2. Workshop "Ten Years of the Inter-American Democratic Charter"*

The DIL, in conjunction with the Institute for Legal Research at UNAM, held the Workshop "Ten Years of the Inter-American Democratic Charter" in Mexico City from October 4 to 6, 2011, as part of the commemorations of the 10<sup>th</sup> anniversary of that instrument. Eminent figures from both Mexico and the rest of the Hemisphere participated.

Also taking part were DIL officials, the Secretary for Legal Affairs, the Secretary for Political Affairs, members of the Inter-American Commission on Human Rights, and members of the Inter-American Juridical Committee.

Among the matters discussed were democracy and power, democracy and human rights, participatory democracy, and electoral observation mechanisms.

This activity resulted from a long tradition of cooperation between the DIL and Mexico's Institute for Legal Research at UNAM.

### *I. Indigenous peoples*

During the past year, the DIL has continued carrying out activities to provide training and disseminate knowledge to indigenous leaders, government officials, and members of civil society organizations working on indigenous issues, in the framework of the DIL Program of Action on Indigenous Peoples in

the Americas (Program of Action), which seeks, among other things, to promote integral development for indigenous peoples. It bears mentioning that activities under the Program are financed by the *Deutsche Gesellschaft für Internationale Zusammenarbeit* [German International Cooperation] (GIZ), through the German Federal Ministry for Economic Cooperation and Development (BMZ).

During the period covered by this report, the following training and dissemination activities were carried out under the Program of Action. Their purpose was to provide participants with necessary tools for implementing lessons learned in their respective communities and workplaces.

*1. Workshop on the Political Participation of Indigenous Women*

The Workshop on the Political Participation of Indigenous Women was held in the city of Antigua, Guatemala, from June 19 to 21, 2011. Its objective was to reinforce leadership by encouraging greater participation by indigenous women in developing civic awareness. The classes were taught by experts from different countries and by OAS staff members, including personnel from the DIL Department of Effective Public Management.

Presentations were made on developing civic awareness, leadership, gender, good governance, the inter-American system, and means of participating within this regional organization. Group dynamics were used as part of a methodological approach to the subject matter.

Many of those participating in this activity have been elected officials in public posts, which takes on special meaning in terms of their commitment to disseminate the knowledge they acquired in their communities and to put it into practice in the political forums in which they participate.

A total of 18 indigenous women from Costa Rica, Guatemala, Mexico, Nicaragua, and Panama participated.

## *2. Training Workshop on the Rights of Indigenous Peoples in the Inter-American System*

This activity took place in Lima, Peru, from November 17 to 22, 2011. Attending were 35 participants from all of the Spanish-speaking countries of South America, as well as Brazil.

International institutions active in specific aspects of the promotion and protection of the rights of indigenous peoples were invited to participate. These included the International Committee of the Red Cross (ICRC) and the United Nations High Commissioner for Refugees (UNHCR), as well as representatives of institutions that have been providing support since the inception of these activities, such as the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, and the Inter-American Institute of Human Rights. Finally, time was allotted to the work of the GIZ on indigenous issues.

The presence of all these institutions afforded the participants direct contact with a wide array of sectors active in the promotion and protection of the rights of indigenous peoples, both within the inter-American system and worldwide.

## *3. Replication of activities with DIL technical support*

Under the aforementioned Program of Action, the DIL provides technical support to scholarship holders who take part in training activities after the conclusion of on-site workshops. The Department offers technical assistance and support to former scholarship recipients who organize training activities for members of indigenous communities and to those who present development projects. The intention here is to foster program sustainability by having the scholarship recipients themselves promote “replications,” that is, training activities that they themselves organize in their own communities and with their own resources.

This year, 13 scholarship recipients participated in the organization of 11 training activities. Listed below for each activity is the subject matter addressed, the venue, the date, and the number of participants:

- a. Workshop on “Political Participation and Active Citizenship, with a Gender Focus”; Maracaibo, Venezuela; February 3-5, 2011; 25 participants.
- b. Seminar on “The Rights of Indigenous Peoples in the Inter-American System: Their Importance from a Gender Perspective”; Mérida (Yucatán), Mexico; February 28-March 2, 2011; 25 participants.
- c. Workshop on “Logical Framework with a Gender Perspective. Women, Jobs, and Challenges”; Montevideo, Uruguay; March 13, 2011; 25 participants.
- d. Workshop on “Current Project Design Logic,” La Guajira, Colombia, March 23-25, 2011, 16 participants.
- e. Workshop on “Women, Leadership, and Political Participation”; Villagarzon, Putumayo, Colombia; May 5-6, 2011; 55 participants.
- f. Workshop on “Political Participation by Indigenous Women”; La Serena, Chile; May 12-14, 2011; 38 participants.
- g. Workshop on “Leadership and Political Participation by Indigenous Women and Men”; Pachaj, Guatemala; September 3-4, 2011; 25 participants.
- h. Workshop on “Logical Framework”; Quetzaltenango, Guatemala; in various phases from September 26 to October 31, 2011.
- i. Seminar-Workshop on “Human Rights, Individual and Collective Rights of Indigenous Women”; Department of Chiquimula, Guatemala; August 8-9, 2011; 47 participants.
- j. Workshop on “Institution Building, Fundraising, and Logical Framework” targeted at human rights organizations; Mexico City, Mexico; September 9-10, 2011; with 31 human rights defenders participating.
- k. Replication Workshop on “Project Design, Evaluation, and Monitoring with a Focus on Logical Framework”; Acolman, Mexico; October 18-21, 2011; about 30 participants.

According to the information provided by the scholarship recipients who organized the events, some 317 people participated in the total number of replicated projects.

For its part, the DIL was present at three of the replicated events described above. In each case, the OAS staff member not only

provided technical support but was also a speaker at the event (see section IV of this report).

The replications were based on training activities held between October 2010 and June 2011. The fact that these activities were replicated demonstrates the direct impact of the promotion and sensitization aspects of the courses planned by the DIL in this area.

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With regard to indigenous matters in general, see the various presentations made on the topic in the following section. For more detailed information on the DIL's work on indigenous peoples, go to the following link: [http://www.oas.org/dil/indigenous\\_peoples.htm](http://www.oas.org/dil/indigenous_peoples.htm).

#### J. Afro-descendants

During the period covered by this report, the DIL successfully completed, with financial support from CIDA/Canada, the "Project for the Incorporation of the Afro-descendent Theme in the Policies and Programs of the OAS," which lasted three years (2008-2011). Continuing its work in this area, the DIL is now implementing the project "Training Afro-descendant Leaders in the Americas," which will last one year and is financed by the Spain Fund. The two projects are part of a more comprehensive DIL program called "Afro-descendants in the Americas: Legal protection, development, and inclusion."

Both the aforementioned program and projects have very specific objectives. However, this report focuses exclusively on those activities that can have a more direct bearing on the Inter-American Program for the Development of International Law inasmuch as they constitute training and dissemination activities on matters of international law in general and the inter-American system in particular.

We should mention that the United Nations declared 2011 the International Year for People of African Descent, an initiative supported by the OAS General Assembly by means of a resolution as well as diverse activities to commemorate the year. Accordingly,



several of the activities conducted under this topic during the period covered by this report also served to commemorate said year.

*1. Workshop for the Incorporation of the Afro-descendant Theme as a Cross-Cutting Element in OAS General Secretariat Programs and Projects*

A Workshop for the Incorporation of the Afro-descendant Theme as a Cross-Cutting Element in OAS General Secretariat Programs and Projects was held at OAS headquarters on April 27, 2011.

The workshop was directed at General Secretariat staff involved in the design and implementation of different types of technical cooperation programs. Its purpose was to provide participants with the necessary tools to include the Afro-descendant variable as a cross-cutting element in any present or future programs or projects. The workshop was also intended to highlight the importance of including the Afro-descendant variable in the technical cooperation projects executed by the General Secretariat.

The DIL prepared a manual and other documents to be used by the participants in the event. In addition, the DIL has planned to provide the attendees with ongoing assistance should they need technical support to carry out these incorporation efforts.

This activity is of great importance to the Inter-American Program for the Development of International Law since, as is well known, one of the Program's components is legal development within the OAS organs, which requires close coordination between the various areas and offices of the General Secretariat, among other bodies, on significant legal matters, and in this case matters pertaining to Afro-descendant issues within the inter-American system.

For further information on this activity, go to:

[http://www.oas.org/dil/esp/afrodescendientes\\_ejecutadas\\_taller\\_transversalizacion\\_usa\\_2011.htm](http://www.oas.org/dil/esp/afrodescendientes_ejecutadas_taller_transversalizacion_usa_2011.htm)

## *2. Empowerment Workshop for Afro-Descendant Civil Society Organizations in the Inter-American System*

The Empowerment Workshop for Afro-Descendant Civil Society Organizations in the Inter-American System, organized by the DIL, was held in Lima, Peru, from May 9 to 11, 2011.

Staff from the DIL and the Summits Secretariat took part, as did the Rapporteur on the Rights of Afro-Descendants and against Racial Discrimination of the Inter-American Commission on Human Rights (IACHR).

The purpose of the event was to familiarize the participants (about 30 in all) with the workings of the OAS and other institutions of the inter-American system and to provide them with tools to heighten the impact of Afro-descendant civil society organizations on the political bodies of the OAS and the inter-American system in general.

To that end, all of the organizations participating in the workshop were encouraged to become part of the OAS Registry of Civil Society Organizations, and the DIL provided them with technical support to do so.

The workshop has had a tangible impact, in that about 15 Afro-descendant civil society organizations completed or initiated the formalities for registration, which will hopefully allow them to have a greater impact on processes within the Organization and institutions of the inter-American system in general. By and large, this figure is twice the number of Afro-descendant civil society organizations included in the Registry before the event.

For further information, go to:

[http://www.oas.org/dil/esp/afrodescendientes\\_ejecutadas\\_taller\\_em\\_poderamiento\\_peru\\_2011.htm](http://www.oas.org/dil/esp/afrodescendientes_ejecutadas_taller_em_poderamiento_peru_2011.htm)

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The next section of this report contains the various presentations made on Afro-descendant issues. In general, for more detailed information on the DIL's work on Afro-descendants, go to:

<http://www.oas.org/dil/afrodescendants.htm>.

#### **IV. Thematic Presentations by DIL Officials at Different Forums**

DIL officers have continued to give lectures and presentations at the Organization's headquarters, during working missions to the member states, and at other forums. These efforts are intended to ensure maximum dissemination of international law and the topics on the hemispheric agenda. These activities have an enormous potential to reach great numbers of people (see "Program in Figures" section).

The following activities, broken down by topics, were among the most notable carried out during the 2011-2012 period:

##### **A. Inter-American System**

*Master's in International Human Rights Protection  
(Alcalá University, Spain)*

For the third consecutive year, the DIL was invited to teach at the master's course on International Human Rights Protection organized by Alcalá University in Spain. The Department's classes were taught on November 7 to 9, 2011, for a total of 12 teaching hours.

This year, the Department gave classes on the following topics:

- a. Introduction to the inter-American system.
- b. Permanent dialogue on strengthening the inter-American human rights system.
- c. Current topics on the OAS's legal agenda.

The master's course was designed to train public officials, lawyers, and other professionals in the area of human rights, with a particular focus on international forensic practice. The course's participants included several Latin American students, along with

some Europeans and students from other regions. Many of them are public officials in their home countries, from agencies such as ombudsmen's offices or other bodies involved with human rights, while others come from civil society organizations that are active in the area. For more information on the master's course, see: <http://dip.uah.es>.

In this way, the DIL continued to disseminate the human rights work of the Organization's political bodies, and in general, of the institutions of the inter-American system.

## B. Access to Information

### 1. *International Seminar on the Model Inter-American Law on Access to Public Information (Chile)*

The DIL participated at the Second International Seminar on the implementation of Chile's Law on Transparency and the Right of Access to Information, which was held at the Extension Center of the Catholic University, in Santiago, on April 20 and 21, 2011, to commemorate the second anniversary of the Transparency Council and the enactment of the Transparency Law.

The topic of the seminar was "Transparency as State Modernization: Experience, Actors, and Challenges." Among other notable figures, the seminar was attended by Mr. Sebastián Piñera, President of Chile; Raúl Urrutia, President of the Transparency Council; and Huguette Labelle, President of Transparency International.

The DIL's presentation focused on the Study of Principles and Recommendations for the Protection of Personal Data.

### 2. *Seminar and Diploma Course on Ethics and Transparency in the Public Sector*

The DIL participated at the seminar and diploma course on "Ethics and Transparency in the Public Sector," which took place on August 18 and 19, 2011, in the city of Monterrey, Mexico. The event was organized by the Commission for Transparency and

Information Access of the state of Nuevo León, the Autonomous University of Nuevo León, and the state government.

The seminar, which was attended by more than 350 public officials and information liaisons, focused on a discussion of the legal framework for transparency and access to information in the state of Nuevo León, its relationship to laws and practices in the country's other states, its relationship to the federal regulatory framework, and the level of compliance with the standards set by the Model Inter-American Law on Access to Information, adopted by means of an OAS General Assembly resolution in June 2010. A number of recommendations were made for improving the operation of the local system and for ensuring the full incorporation of the requirements of the inter-American system.

On August 19, the DIL taught an eight-hour module for the Diploma Course on Ethics and Transparency, organized by the office of the State Comptroller and the Transparency Commission, which was attended by selected students from the government agencies responsible for increasing transparency and improving governance at the state and municipal levels. The class dealt with the mechanisms for governance, ethics, and transparency within the inter-American system, explored the new national initiatives in that area (including the extraterritorial enforcement of certain state laws), and explained the importance of privacy and the protection of personal data in connection with access to public information. Regarding the last of these topics, the discussion centered on new information technologies and the processing of personal data, by both the government and private companies.

At the end of each of these activities, consultation meetings were held with the boards of the state agencies to explore the implementation of the Model Law's requirements and possible forms of cooperation and collaboration among the organizations.

### C. Protection of Personal Data

### *1. International Conference of Data Protection and Privacy Commissioners*

The DIL attended the 33rd International Conference of Data Protection and Privacy Commissioners (ICDPPC) and its sidebar conferences, held in Mexico City on October 31 to November 4, 2011, in keeping with the General Assembly's resolution on access to public information and protection of personal data, AG/RES. 2661 (XLI-O/11).

The ICDPPC is the global forum for the world's senior authorities and institutions involved with data protection and privacy. The 33rd Conference, which was hosted by Mexico's Federal Institute for Information Access and Data Protection (IFAI) and was attended by privacy and data protection commissioners and national authorities from around the world, provided an opportunity for discussing current challenges and consensus-based solutions related to the topic of privacy in the global era.

It also included a discussion on the major developments that have taken place in the Americas. It spoke of the work underway at the national and regional levels, including a comparative study of the existing frameworks and the OAS's inter-American principles; Mexico's new regulations on data protection; Colombia's new law on data protection (passed on October 7, 2011); and Uruguay's agency for controlling access to information and the protection of personal data. In addition, Uruguay is to host the 34th International Conference in 2012, in Punta del Este, thus strengthening the leadership of the OAS member states in the global privacy arena.

The following paragraphs set out in greater detail some of the specific activities in which the DIL participated with presentations during the conference.

### *2. Annual Meeting of The Public Voice*

The Public Voice – the largest grouping of civil society organizations that work with privacy and data protection – held its annual meeting on October 31, 2011, during the ICDPPC in Mexico City, and the DIL attended that meeting.

It discussed, first, the commonalities between the Resolution and Declaration of Madrid – adopted respectively by the Data Protection Commissioners and by civil society at the 31st ICDPPC – and, second, the OAS's preliminary Principles and Recommendations, which concluded with the final comments of the Organization's member states on October 17, 2011.

### *3. Meeting of the Ibero-American Data Protection Network*

As part of the ICDPPC, the DIL also attended the meeting of the Ibero-American Data Protection Network, which was held in Mexico City on November 1, 2011. One of the sessions was turned over to discussing the work of the OAS, including its commitment toward the OAS Questionnaire on Privacy and Data Protection (distributed among the member states on October 31, 2011).

The participants – including authorities from all the Latin American countries, along with Spain, Portugal, and the United States – also discussed the possibility of working with the DIL and with the Inter-American Juridical Committee, in accordance with the General Assembly's resolution, and they offered their support and technical assistance for those activities.

In addition, Mexico (in its capacity as chair) and the other states in the network reiterated their commitment to exploring the possibility of an Inter-American Model Law on Data Protection under the aegis of the OAS.

### *4. Meeting with the OECD*

During the Mexico City ICDPPC in October-November 2011, the DIL also participated at the OECD meeting on "Current Developments in Privacy Frameworks: Towards Global Interoperability." On that occasion, the Department met with OECD officials to explore mechanisms for cooperation with the development of the Inter-American Juridical Committee's Inter-American Principles which, under the resolution cited above, must be presented to the General Assembly in 2012 with the collaboration and coordination of the OECD and other international and regional organizations.

At the meeting, the OECD – which is currently revising its own guidelines and principles on this topic – offered its support for the development of the Inter-American Principles.

#### *5. Meeting of Authorities of the Council of Europe*

During the Mexico City ICDPPC in October-November 2011, the DIL also met with officials from the Council of Europe to offer its support for the ongoing modernization of its Convention 108 on the Protection of Individuals with regard to Automatic Processing of Personal Data and its additional protocol, and to receive the Council of Europe's assistance in the development of the comparative study and principles within the OAS.

This meeting was held under the cooperation agreement signed by the OAS Secretary General, José Miguel Insulza, and the Secretary General of the Council of Europe, Thorbjørn Jagland, on September 19, 2011, for working together on privacy, data protection, and other topics.

#### **D. Private International Law**

##### *1. 34th National Seminar on Private International Law and Comparative Law (Mexico)*

The DIL attended the 34th National Seminar on Private International Law and Comparative Law, "International Procedural Cooperation," organized by the Mexican Academy of Private International Law and Comparative Law and the law school of the University of the Americas Puebla. The event took place on October 26 to 29, 2011.

The seminar, attended by notable jurists from Mexico and abroad, paid particular attention to the effectiveness and execution of foreign judgments; judicial cooperation on migration matters; international judicial competence; the application of foreign and comparative law in Mexico; international commercial arbitration and anti-suit injunctions.

The DIL's presentation at this seminar focused on the role of multilateral agencies in international procedural cooperation and in



international procedural cooperation in matters of family law, during which it noted the progress made with the project for the possible creation of an Inter-American Cooperation Network on Family and Children's Law.

## *2. Round Table of the American Bar Association*

The DIL participated at the American Bar Association's round table on the development of private international law. The round table took place on April 8, 2011, and was organized by the chair of the association's Private International Law Committee, Prof. David Stewart, who is also a member of the Inter-American Juridical Committee.

The chief goal of the discussions was to provide information about the activities and projects of the international organizations that work on encoding and standardizing private international law – including the Hague Conference, UNCITRAL, UNIDROIT, and the OAS – together with coordination and joint participation in those agencies' international and regional work.

The main topics discussed included consumer protection, secured transactions, access to credit, protection of personal data, crossborder information flows, and the international transportation of goods.

## *3. 105th Meeting of the American Society of International Law*

The DIL participated at the 105th annual meeting of the American Society of International Law, on "Harmony and Dissonance in International Law," which was held in Washington, D.C., on March 23 to 26, 2011.

The annual meeting focused on the evolution of law in a context in which both harmony and dissonance have, paradoxically, increased within international law and the world in which it operates.

The discussion centered on the way in which international law has been increasingly fragmented through highly specialized rules that can create problems for its unification. Moreover, this situation

is in contrast to the increasingly pronounced trend toward the collapse of divisions between public international law and private international law, between domestic law and international law, and between the roles of state actors and those of nonstate players.

In that context, the DIL's presentation addressed a comparative view of the regional organizations vis-à-vis the harmony and dissonance of international law.

In addition to DIL representing the OAS, the discussion was attended by participants from other major regional organizations – including the European Union, the African Union, and the Association of Southeast Asian Nations – who spoke of the efforts underway within those different organizations to assert local traditions and experiences within the universal context and taking into account the development of international law.

#### *4. Seminar of the International Law Association*

The DIL attended the 90th meeting of the American Branch of the International Law Association, held on October 20 to 22, 2011, in New York City, United States. The event focused on the common ground between international law and national policies.

The International Law Weekend, as this event is also known, brought together hundreds of practicing lawyers, members of governmental and nongovernmental organizations, and students, to examine how and to what extent international rules influence the enforcement and interpretation of domestic laws.

In particular, the DIL participated in the discussion on Private International Law in Action, analyzing the impact of recent developments in that branch of law on domestic law and on politics. The panel session, which was attended by participants from multilateral organizations, representatives of the U.S. government, law professors, and legal practitioners, also discussed the development of new provisions and mechanisms for in the field of private international law, including conventions, model laws, and other instruments adopted by the United States, the Hague Conference on Private International Law, UNCITRAL, UNIDROIT, and the OAS, and the way in which each of them makes a direct

contribution to promoting legality, good governance, and economic development. The participants also discussed the areas where international and domestic law intersect and explored the most recent developments and approaches of importance in that area.

#### *5. Annual Meeting of the U.S. Department of State*

The DIL attended the annual meeting of the United States Department of State (Advisory Committee on Private International Law), which was held at Georgetown University law school in Washington, D.C., on September 22 and 23, 2011.

The event began with an opening address by Department of State Legal Adviser Mr. Harold Koh. Considerable time was spent on presentations and progress reports from the organizations international that work on the development of private international law, including the European Union, the Hague Conference, UNCITRAL, UNIDROIT, and the OAS. Particular attention was given to discussing projects for the execution of judgments, choice of venue in international contracts, secured transactions, on-line dispute resolution, microfinancing, and finance networks. The discussions continued with developments in family law, globalization and trends in family law, and treaty practices. Other topics of discussion included the question of federalism and private international law in the United States, e-commerce, including the electronic transfer of rights, single windows for exports and imports, mobile e-commerce, and the Rotterdam Rules.

The event provided a special session on inter-American regional matters, including a discussion on recent developments in the OAS and various U.S. initiatives related to financial inclusion and secured transactions. It concluded with working proposals to be developed by the OAS and other multilateral organizations.

#### **E. Secured Transactions**

##### *1. 19th Regular Session of the UNCITRAL Working Group on Security Interests*

The DIL attended the 19th regular session of the Working Group on Security Interests of the United Nations Commission on

International Trade Law (UNCITRAL), which was held at United Nations headquarters on April 11 to 15, 2011.

Under the aegis of the Inter-American Specialized Conferences on Private International Law, for which the DIL serves as the Technical Secretariat, the OAS member states adopted a Model Inter-American Law on Secured Transactions (2002) and a set of Model Registry Regulations (2009). Later, based on the recommendations submitted to it by the DIL, UNCITRAL decided to follow the OAS's steps and create a Registry Guide to supplement the Legislative Guide on Secured Transactions.

In line with the commitment of the member states of both the OAS and the UN toward coordinating their efforts to encode and harmonize international law, the DIL has worked with UNCITRAL on the preparation of its Legislative Guide and Registry Guide, in order to ensure, first, that those universal instruments contain the technical and legal elements required by the OAS instruments, and, second, to ensure their possible joint implementation in the member states of both organizations.

The creation of a regime for secured transactions at the local, regional, and universal levels is necessary to ensure access to credit for economic players in all countries, which is a prerequisite if they are to compete in a globalized world. That system is of particular importance for small and medium-sized enterprises, which require capital to attain competitiveness and sustainability in international markets.

## *2. Single Registry for Secured Transactions (Mexico)*

Mexico's Secretariat of the Economy launched its new secured transactions registry at an official event, "Single Registry for Secured Transactions: Legal Certainty to Improve Access to Credit." Chaired by Mr. Bruno Ferrari, the Secretary of the Economy, and Mr. Ernesto Cordero, Secretary of the Treasury and Public Credit, the launch took place in Mexico City, on Tuesday, June 7, 2011. On that occasion, the DIL gave a presentation on the importance of Mexico's new registry and on the possibility of establishing similar registries in other OAS member states.

Mexico's Single Registry for Secured Transactions (RUG) is the first registry in Latin America that takes on board the guidelines of the Registry Regulations, which was adopted by the Seventh Inter-American Specialized Conference on Private International Law (CIDIP-VII) and is intended to boost the use of movable property as guarantees for microenterprises and small, and medium-sized companies to obtain funding under better conditions, thus encouraging investment, growth, and the competitiveness of the economy.

The DIL submitted a reference text for this event, to which the Secretary of the Economy constantly referred and which was therefore an important contribution to the event.

## F. Indigenous Peoples

### *1. Subregional Meeting of Indigenous Peoples of Latin America*

On March 15 and 16, 2011, the DIL participated at the subregional meeting of indigenous peoples of Latin America to follow up on the Third Summit of Indigenous Leaders of the Americas (III CLIA).

The aim of the meeting was to analyze the implementation of the Declaration and Plan of Action of the Third Summit, and to establish participation strategies and mechanisms to provide indigenous peoples with a forum at the next Summit of Indigenous Leaders of the Americas, which is planned to take place in Colombia.

The Department's presentation spoke of the upholding of the rights of indigenous peoples in the Americas and the mechanisms for indigenous peoples to participate in the inter-American system.

### *2. Permanent Forum on Indigenous Issues*

On May 26, 2011, the DIL gave a presentation to the plenary of the ninth session of the Permanent Forum on Indigenous Issues, held at United Nations headquarters in New York City. The presentation dealt with the situation of the Draft American

Declaration on the Rights of Indigenous Peoples and the activities to promote and strengthen the participation of indigenous peoples under the Program of Action on Indigenous Peoples.

The Permanent Forum is an advisory body of the Economic and Social Council with a mandate to examine indigenous matters relating to economic and social development, culture, education, health, the environment, and human rights.

Presentations of this kind help publicize and disseminate the OAS's work with indigenous representatives from the Americas and from the entire world.

#### G. Afro-descendants

Similar to its efforts with indigenous matters, at various forums the DIL has also given presentations and talks on its work in connection with the Afro-descendants of the Americas. These presentations publicize the inter-American instruments that establish certain standards of protection for Afro-descendants and, at the same time, help bring about a greater understanding of the various activities that the Organization carries out in connection with these people.

##### *1. Tenth Session of the UN Working Group of Experts on People of African Descent*

The Working Group of Experts on People of African Descent was created by the UN Commission on Human Rights by means of resolution 2002/68 as a result of the Durban process. The Group's mandate was later expanded by that Commission and, subsequently, by the UN Human Rights Council. That mandate basically entails examining specific measures intended to fight racial discrimination and other related problems, and to promote the rights of Afro-descendants through specific actions.

This year the DIL was invited to participate at the Working Group's tenth session, to give a presentation on agenda item No. 7 (Durban + 10). The Department was also invited to attend the Group's ninth session, when it made contributions on activities to be

included in the context of the International Year, which led to the active involvement of the OAS in the commemorations for that year.

The Working Group's tenth session was held on March 28 to April 1, 2011, and was inaugurated by the United Nations High Commissioner for Human Rights, Ms. Navi Pillay. Over the week-long session, various experts made contributions on different topics related to people of African descent, in accordance with the Group's working agenda.

The address given by the DIL on that occasion was intended to publicize its work with the region's Afro-descendants, in particular through the dissemination of the inter-American standards that were agreed on at the Santiago Conference in preparation for the Durban World Conference. The presentation led to a rich exchange with the participants, who expressed their interest in the processes in this area underway within the OAS and, in particular, in the various activities of the DIL in connection with Afro-descendants.

For additional information on the Working Group and, in particular, on its tenth session, see:

<http://www2.ohchr.org/english/issues/racism/groups/african/4african.htm>.

## *2. First World Summit of African Descendants*

On August 18 to 20, La Ceiba, Honduras, hosted the First World Summit of African Descendants, which was attended by representatives of 44 countries from the Americas, Africa, Europe, and Asia and by more than 1000 people, including delegates, heads of mission, cooperation agents, diplomats, representatives of international agencies (such as the UN, the OAS, the European Union, the African Union, and the Central American Integration System), government officials, members of Honduran Afro-descendant communities, and other guests.

The inaugural ceremony was attended by President of Honduras Porfirio Lobo Sosa and President of Guatemala Álvaro Colom, along with other officials.

The DIL attended this important event, which was organized as part of the commemorations of the International Year for People of African Descent, with a paper on the inter-American system and the standards of protection for Afro-descendants.

The Second World Summit of African Descendants will be held in Spain in 2014 and will follow up on the results of the First Summit.

### *3. International Conference “Africa and Peoples of African Descent” (Howard University)*

On September 14 to 16, 2011, the International Conference “Africa Peoples of African Descent: Issues and Actions to (Re)-Envision the Future” was held by the Department of World Languages and Cultures of Howard University, based in Washington, D.C.

The conference was attended by academics, researchers, students, journalists, writers, leaders of Afro-descendant communities and of Afro-descendant NGOs, etc. Its main objectives were to work for a greater understanding and respect for the diversity of the legacy of African cultures, publicize the struggle for the recognition of African heritage, and discuss the political, economic, social, and cultural participation of African and Afro-descendant people in their different nations. One of the most important objectives was to enable connections between Africa and the African Diaspora in Europe and the Americas.

The DIL was invited to this event to be on the panel on “the role of the international organizations in promoting and protecting the rights de Afro-descendants.” The Department gave a presentation titled “Afro-descendants in the Americas and International Law: The Contribution of DIL/OAS to the Development of Afro-descendant Topics.” That panel session was moderated by Gay McDougall, a renowned independent expert on minority issues with the United Nations. The other speakers were Corinne Lennox from the University of London, Esther Ojulari from ChildHope (United Kingdom), and Carlos Quesada of Global Rights (United States).

For more information on this conference, see:  
<https://sites.google.com/site/africandpeopleafricandescent/inicio>.



#### *4. First World Afro-descendant Youth Summit*

The first World Afro-descendant Youth Summit was held on October 5 to 7 in the city of San José, Costa Rica. It was attended by more than 150 representatives of 40 countries from the Americas, Europe, and Africa, along with representatives of international organizations and other guests.

The Summit was organized by the Caribbean Project Association of Costa Rica, in conjunction with the Circle of Afro-descendant Youth of the Americas. It was held as part of the commemorations of the International Year for People of African Descent.

The DIL gave a presentation on “Standards of Protection for Afro-descendants in the Inter-American System.” The goal was to offer a systematic and organized overview of the different standards for the protection of Afro-descendants enshrined in specific instruments adopted within the inter-American system.

The Second World Afro-descendant Youth Summit will take place in 2014.

#### *5. Increasing the Participation and Advocacy of Afro-Descendants at the OAS and the Summit of the Americas Process*

In October 2011, the headquarters of the OAS General Secretariat was the venue for the workshop “Increasing the Participation and Advocacy of Afro-Descendants at the OAS and the Summit of the Americas Process.” The event was organized by Global Rights Partners for Justice, a civil society organization registered with the OAS, with the assistance and support of the Organization’s General Secretariat.

During the workshop, the DIL gave a presentation on “Standards of Protection for Afro-descendants in the Inter-American System.” The goal of the presentation was to inform the Afro-descendant organizations attending the workshop about the set of specific legal

tools related to the protection of Afro-descendants at the hemispheric level.

*6. Ibero-American Meeting of the International Year for People of African Descent (Salvador de Bahía, Brazil)*

Recognizing the importance of 2011 as the International Year for People of African Descent, and pursuant to a call made by the United Nations (UN), the Ibero-American General Secretariat (SEGIB), in conjunction with the federal government of Brazil, organized the event “AfroXXI: Ibero-American Meeting of the International Year for People of African Descent.”

Held in the city of Salvador de Bahía, Brazil, on November 16 to 19, 2011, the event was supported by various international organizations and agencies, including the United Nations Development Programme (UNDP) and others.

The DIL, in line with its work on Afro-descendant issues within the OAS framework, was invited to attend the event and to contribute to one of its panel sessions, at which it gave an address on “Standards of Protection for Afro-descendants in the Inter-American System.” Also during the event, the Department attended the “International Forum of Afro-descendant Youth,” organized by the Ibero-American Youth Organization (OIJ) and other agencies; there, the DIL was also able to publicize its work related to the region’s afro-descendants.

The general objective of the Ibero-American Meeting was to raise the profile of the social, cultural, and economic contributions made by Afro-descendant communities to Ibero-America, to emphasize inclusive public policies and good practices, and to discuss strategies for the social inclusion of Afro-descendants in different national contexts and their contributions to development. The event was attended by heads of state from Ibero-America, Africa, and the Caribbean, and by ministers, parliamentarians, local authorities, representatives of international organizations, intellectuals, cultural figures, and leaders of the Afro-descendant movement.

The outcome of the event was a Final Declaration, which called for the construction of a common agenda for the next 10 years, to work for the full inclusion of millions of citizens of African descent.

The DIL's participation at this important event not only gave greater visibility to the work of the OAS on Afro-descendant issues, it also helped publicize a set of specific legal tools related to the hemispheric protection of Afro-descendants, the inclusion of which on this common agenda could be of enormous benefit. In addition, it should be noted that during its participation at the 9th session of the UN Working Group of Experts on People of African Descent, the DIL recommended organizing events of this kind at the regional level as part of the International Year for People of African Descent, a suggestion that was warmly welcomed by the Working Group on that occasion.

## **V. Cooperation Agreements**

One of the components of the Inter-American Program for the Development of International Law is cooperation for the development, dissemination, and teaching of international law in the Hemisphere. Thus, the program seeks to reach agreements with various agencies and international organizations for the teaching and dissemination of inter-American law. It also provides for cooperation agreements with different international financing agencies and with other bodies that are in a position to provide economic support for this task of disseminating, developing, and teaching international law.

In compliance with the terms of this program component, the DIL has in the past entered into various cooperation agreements with different bodies and agencies, enabling it to better pursue the tasks of promoting and disseminating international law set down in the Inter-American Program and, at the same time, allowing several of those activities to receive funding.

During the period covered by this report, the OAS General Secretariat entered into two new cooperation agreements in which the DIL serves as the focal point and which are closely related to the Program's goals and objectives.

#### A. Cooperation Agreement with the International Criminal Court

On Monday, April 18, 2011, OAS headquarters saw the signing of an Exchange of Letters between the Secretary General of the OAS, Mr. José Miguel Insulza, and Judge Sang-Hyun Song, President of the International Criminal Court.

The Exchange of Letters contains provisions aimed at building greater cooperation between the OAS General Secretariat and the International Criminal Court. In addition to formalizing ties between the two institutions, it fulfilled a mandate handed down by the General Assembly in resolution AG/RES. 2577 (XL-O/10), on the Promotion of the International Criminal Court.

The document contains terms of reference for the effective dissemination of international criminal law in matters of common interest, such as the exchange of studies and the joint organization of conferences, seminars, events, and programs.

The DIL serves as the lead agency in this undertaking and has a network of cooperative ties with institutions working in the area of the Rome Statute and international humanitarian law, including the Inter-American Juridical Committee, the Assembly of States Parties to the Rome Statute, the International Criminal Court, the Parliamentarians for Global Action organization, the Coalition for the International Criminal Court, and the International Committee of the Red Cross.

The Exchange of Letters may be found on our web page, in the database of agreements entered into by the General Secretariat, at the following address:

<http://www.oas.org/dil/AgreementsPDF/41-2011.PDF>.

#### B. Cooperation Agreement with the Inter-American Association of Public Defense Offices (AIDEF)

On November 2, 2011, a cooperation agreement was formalized with the Inter-American Association of Public Defense Offices (AIDEF), pursuant to a resolution adopted by the most recent General Assembly [G/RES. 2656 (XLI-O/11)]

This agreement is part of the Access to Justice Program led by the DIL and supports the work of public defenders in ensuring access to the administration of justice. The countries of the Hemisphere have recognized the role played by public defense offices in upholding the fundamental rights of individuals, specifically the free legal counsel services that allow easy and timely access to justice by all persons, particularly those in situations of greater vulnerability.

The agreement contains major elements that are closely related to the promotion and dissemination of international law and of the inter-American system, such as the development and implementation of legal cooperation projects for the education, training, and professional updating of public defenders and the organization of and joint participation at conferences, seminars, round tables, other events, etc.

On this occasion, the DIL and the Secretary General of AIDEF, Mr. André Luis Machado de Castro, also held a working meeting that served to define future cooperation actions aimed at promoting access to justice by people in situations of extreme vulnerability.

## **VI. Publications and Virtual Bookstore**

The Inter-American Program for the Development of International Law seeks to promote the publication of texts such as the amended OAS Charter and other documents of interest: for example, the annual volumes on topics related to international law that have been published over the years and that are a part of the inter-American legal bibliography. The most important publications are distributed to all the Organization's permanent missions.

In addition, during the period covered by this report, the DIL launched a project to scan its publications into electronic format. It is hoped that this effort will be concluded soon. It aims for the DIL's publications to be available, over the internet and free of charge, to a broader public with an interest in learning about and furthering the study of the inter-American system and of the legal doctrines that the DIL has compiled over the years.

The most notable books produced, published, and distributed during the period covered by this report include the following:

#### A. 37th Course of International Law

The DIL published a volume on the 37th Course of International Law, which collects the classes taught during that course (see section II of this report). The theme of this year's event was "International Law and Contemporary Global Transformations."

The book contains 14 chapters, and the classes are published in the language in which they were taught. The contributing authors include noted figures from the field of international law: for example, a judge of the International Court of Justice, legal academics from some of the most prestigious universities of the Americas and Europe, members of the Inter-American Juridical Committee, specialist officers from international organizations, etc.

The topics addressed in the book include the following: topics in the general theory of international law; internally displaced persons; international commercial arbitration; the International Court of Justice; and racial and gender discrimination. Other chapters, more directly related to the inter-American system, address such topics as the Model Inter-American Law on Secured Transactions; the role of the Inter-American Juridical Committee; migration problems in the Americas; and legal aspects of democracy and the rule of law in the inter-American system.

The book is part of an annual series published by the Department, which collects together all the classes taught at the Course of International Law from its inception to date. For further information, see:

[http://www.oas.org/dil/esp/publicaciones\\_curso2010\\_portadaampliada.htm](http://www.oas.org/dil/esp/publicaciones_curso2010_portadaampliada.htm).

#### B. Workshops on International Law

During the period covered by this report, the DIL published a book containing the presentations given at the two most recent Workshops on International Law, held in Campo Grande, Brazil (2008), and in San José, Costa Rica (2010).

The book contains contemporary texts on international law in general and the inter-American system in particular, some of which emphasize the teaching of international law in the region. The contributing authors include notable figures from the world of international law, such as renowned academics from some of the most prestigious universities in the region and Europe, specialists from various international organizations, and officers of the Secretariat for Legal Affairs and the DIL.

The Program provides for regular meetings of professors in international public and private law from the member states and other regions to further the study, development, and teaching of legal topics in the inter-American system and to strengthen ties with various academic institutions for the systematic incorporation of inter-American law studies in the curriculums of different law schools. In addition, the Program also calls for the continued dissemination of the legal publications arising from these events.

The publication is intended for people who work in the OAS and within the inter-American system, together with academics, lawyers, specialists in international relations, students, and the general public, to facilitate connections between the Organization's day-to-day work and theoretical thought regarding various issues on the inter-American agenda and related to international law in general.

For additional details on this publication, see:

[http://www.oas.org/dil/esp/publicaciones\\_jornadas\\_brasil\\_costa\\_rica\\_2008-2010\\_portadaampliada.htm](http://www.oas.org/dil/esp/publicaciones_jornadas_brasil_costa_rica_2008-2010_portadaampliada.htm).

### C. Democracy and the Inter-American System

In early August 2011, the book "Democracy in the Work of the Inter-American Juridical Committee 1946-2010" was formally presented. This work, compiled and published by the DIL, gathers together all the Committee's work on the question of democracy, including rulings, reports, and resolutions.

Its first section includes two consultations made by the Inter-American Conference on Problems of War and Peace, which was held in Mexico City in 1945: that is, three years before the adoption of the Charter of the Organization of American States.

Section two contains the work it produced between 1991 and 2001, in which it examines, *inter alia*, the ability of the OAS to demand and require compliance with international legal obligations, the amendments made by the Protocol of Cartagena de Indias and the Protocol of Washington, and the relevant resolutions of the General Assembly.

Section three contains the contributions to the drafting of the Democratic Charter, which was adopted by the 28th special session of the OAS General Assembly in Lima, Peru, on September 11, 2001. It also includes a resolution adopted in March 2002.

The fourth section records the contributions made by the Committee in following up on the application of the Inter-American Democratic Charter from 2003 to 2010. In its vision of the legitimate exercise of power, the Committee seeks to equip the system with a mechanism for responding collectively to breaches of the essential elements of democratic order, including, *inter alia*, strengthening the independence of the judiciary and preventing and anticipating events that could affect the democratic system.

For further information on this book, please visit our web page at: [http://www.oas.org/dil/esp/publicaciones\\_la\\_democracia\\_portadaampliada.htm](http://www.oas.org/dil/esp/publicaciones_la_democracia_portadaampliada.htm).

#### D. Afro-descendants

The DIL continues to pursue one of the objectives of its Afro-descendants program: that of helping create a more extensive legal literature on international law matters relating to people of African descent. During the period covered by this report, the following publications were produced, some of which have even had an impact on the agencies responsible for monitoring the international conventions of the universal system.

##### *1. Standards of Protection for Afro-descendants in the Inter-American System. A Brief Introduction*

On May 10, 2011, the book “Standards of Protection for Afro-descendants in the Inter-American System. A Brief Introduction,” prepared by the DIL, was presented in the city of Lima, Peru.



The book's aim is to offer a systematic record of the standards of protection for Afro-descendants that have been recognized within the inter-American system. Although there is no binding instrument dedicated specifically to Afro-descendants in the Americas, a set of standards for protection can nevertheless be found in a series of different documents that, while not binding, reflect the political commitment of those of the region's states that have signed them.

According to some estimates, there are around 200 million Afro-descendants living throughout the Americas. As has been recognized by the agencies of the inter-American system, these people continue to suffer racism and discrimination and, additionally, are still denied some of their rights and basic needs. That notwithstanding, this book showcases some of the initiatives adopted at the regional level to address that situation.

The work aims to provide the general public and, in particular, civil society organizations that work on Afro-descendant topics and the political bodies of the inter-American system with accessible material that sets out, in a systematic and organized way, the different standards of protection for Afro-descendants enshrined in the various instruments adopted at the regional level.

The book can also be downloaded free of charge at the following link:

[http://www.oas.org/dil/esp/publicaciones\\_estandares\\_de\\_proteccion\\_Afrodescendientes\\_2011.htm](http://www.oas.org/dil/esp/publicaciones_estandares_de_proteccion_Afrodescendientes_2011.htm).

This publication's impact has been significant: for instance, it has been used by the Committee on the Elimination of Racial Discrimination (CERD), the follow-up agency created by the UN's International Convention on the Elimination of All Forms of Racial Discrimination. That body recently held its 79th session in Geneva, Switzerland, on August 8 to September 2, 2011. On that occasion, CERD adopted General Recommendation No. 34 on "Racial discrimination against people of African descent."

The impact of the DIL's publication on the drafting of General Recommendation No. 34 was vitally important, as can be seen in the statements made by members of CERD and senior officials from its secretariat indicating that the book was highly praised by the

Committee's members. Indeed, many of the rights and states' acquired commitments set out in the DIL's compilation were taken on board in General Recommendation No. 34.

The full text of General Recommendation No. 34 (English-language version) may be found at the following link:  
<http://www.oas.org/dil/CERD-C-GC-34.pdf>.

## *2. Second Expert Workshop on People of African Descent in the Americas*

The DIL published the book "Second Expert Workshop on People of African Descent in the Americas." This publication, which was compiled and edited by the DIL, contains the presentations given at the Second Expert Workshop on People of African Descent Issues in the Americas, held at the headquarters of the OAS General Secretariat in February 2011.

It contains texts presented by government officials from Ecuador, Panama, the United States, and Brazil on affirmative action measures, legislation, public policies, and good practices that those countries are implementing on behalf of Afro-descendants. The Department hopes to receive the funding necessary to continue producing publications of this kind, in order to cover other countries in the region.

It is hoped that the book will be used as a reference source by representatives of Afro-descendant organizations, the agencies of the inter-American system (including the OAS's Working Group charged with preparing a Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance), academics, students and other interested parties.

As indicated by its title, this book is the second volume in a series on the expert workshops on this topic that the DIL has been organizing since 2010. The first book covered such topics as affirmative action, fighting racial discrimination in the workplace, the burden of proof in discrimination cases, and hate speech.

The book “Second Workshop of Experts on Afro-descendant Issues in the Americas” may be downloaded free of charge at the following on-line link:

[http://www.oas.org/dil/esp/publicaciones\\_Taller\\_de\\_Expertas-os\\_de\\_la\\_Tematica\\_Afrodescendiente\\_2011.htm](http://www.oas.org/dil/esp/publicaciones_Taller_de_Expertas-os_de_la_Tematica_Afrodescendiente_2011.htm).

#### E. Forthcoming Publications

The following are among the publications that the DIL hopes to release in the near future:

- a. 38th Course of International Law (2011).
- b. Reprint of the OAS Charter, pocket edition (French/Portuguese).
- c. Manual for Training Trainers of Afro-descendant Leaders in the Americas.

#### F. On-line Bookstore

Our catalogue of publications contains around 30 available titles of books published in previous years. That information can be seen on our web page:

<http://www.oas.org/dil/esp/publicaciones.htm>.

These works are regularly ordered by universities and other academic institutions, researchers, students, and other interested parties. In addition, as indicated above, an effort to scan the DIL’s publications and to make them available on-line in digital format and free of charge is currently underway. We hope to conclude this process soon, so that our publications will be available to a wider public.

### VII. Dissemination over the Internet

#### A. General Description of the DIL’s Web Page

The DIL’s web page, which is maintained and periodically updated by a fulltime webmaster, can be visited at [www.oas.org/dil](http://www.oas.org/dil). The site is a vitally important tool for the promotion and dissemination of international law.

It contains information on the work of the OAS political bodies in connection with international law: for example, in the areas of international humanitarian law, indigenous peoples, Afro-descendants, refugees, internally displaced and stateless persons, access to information, the International Criminal Court, racism, discrimination and intolerance, the CIDIP process, the family law network, etc.

Each of these topics is covered by a series of links that contain information on the instruments that address them (General Assembly resolutions, background information on each topic, and other pertinent documents of all kinds) and on the activities carried out in connection with those topics (special meetings, courses, programs and agendas, etc).

At the same time, the web page is an important resource for documents about the OAS: for example, treaties, General Assembly resolutions, model laws, and other instruments of the inter-American system.

It also offers information on the different activities carried out by the DIL for the promotion and dissemination of international law under specific projects and programs, together with details on courses, workshops, and scholarships.

For an idea of the scope and usage of the web page, see the section of this report titled "Program in Figures," which indicates the number of visits and downloads.

#### B. Link on the Inter-American Juridical Committee

The Department's web page also contains a specific link dedicated to the Inter-American Juridical Committee, which describes that body's work and provides information on its composition, membership, current agenda, working documents, annual reports, etc.

[http://www.oas.org/cji/eng/inter\\_american\\_juridical\\_committee.htm](http://www.oas.org/cji/eng/inter_american_juridical_committee.htm).

This is because of the Department's role as the Committee's Technical Secretariat and of the mandates set out in the Inter-

American Program for the Development of International Law, which request the dissemination of resolutions and other documents adopted by different agencies of the Organization that might be of interest from a juridical perspective.

### C. Database of the Hemisphere's Diplomatic Academies

AG/RES. 2174 (XXXVI-O/06), "Inter-American Program for the Development of International Law," instructed the DIL to create a database on the Hemisphere's diplomatic academies and to make it available on its web page.

Pursuant to that mandate, the Department's web page contains a periodically updated link with information on the diplomatic academies that exist in the Hemisphere (authorities, contact details, etc.), which is permanently open to suggestions and updates put forward by the permanent missions. For further information, see: [http://www.oas.org/dil/diplomatic\\_academies\\_data\\_base.htm](http://www.oas.org/dil/diplomatic_academies_data_base.htm).

### D. Newsletters and Notices

Finally, to publicize its activities more widely, the DIL has continued with its efforts to disseminate, through electronic channels, the newsletters and notices that are distributed to all the users of the OAS network (permanent missions, General Secretariat, country offices, etc.) and to the DIL's database, which contains contact details for some 1132 individuals involved in the field of international law (this year, some 280 new contacts have been added to the total in last year's report).

These newsletters provide regular information on the Department's activities. An archive of past newsletters may be found on the web page at the following address: <http://www.oas.org/dil/esp/Boletin/index.html>.

## **VIII. Legal Procedures and Dissemination of Inter-American Instruments**

The Inter-American Program for the Development of International Law provides for access to and consultation of the inter-American treaties for which the OAS serves as the depository, the updated status of signatures, ratifications and adhesions, reservations, objections, declarations, and dates of effect, together with similar information on the cooperation agreements entered into by the OAS, etc.

Pursuant to that mandate, all the information indicated in the previous paragraph is available on our web page, which also offers a simple tool for chronological or alphabetical searches of treaties, agreements, and other instruments.

In addition, in compliance with its functions, during 2011 the DIL carried out the following formalities:

- a. 9 deposits of instruments of ratification and adhesion.
- b. 19 processes giving notice of states of emergency.
- c. 2 notification processes under the Inter-American Convention against Corruption.

In addition, the Department prepared certifications and provided complete, up-to-date information on those treaties for which the Organization of American States serves as the official depository.

As for bilateral agreements, a total of 250 cooperation agreements entered into by the General Secretariat were registered.

All this information may be consulted on our web page at the following link:

<http://www.oas.org/dil/esp/tratadosyacuerdos.htm>.

## **IX. Program in Figures**

In last year's report, the DIL embarked on an effort to measure, assess, and verify the impact of some of its activities. While some of the figures that appear below are estimates, they do give an approximate idea of the Program's impact. What they do not reflect

is the implicitly immeasurable worth of a program such as this, where many of the activities have an intangible value – like any activity with a significant education or training content – that cannot be quantified with mere figures or numbers.

### Education and Training Events Organized by the Department

	<b>Topic</b>	<b>Number of events and/or activities</b>	<b>Estimated number of trainees or participants</b>
1.	Course of International Law	1	33
2.	Access to information	3	465
3.	Family law	3	100
4.	Secured transactions	2	812
5.	International refugee law	1	87
6.	International humanitarian law	2	150
7.	International Criminal Court	1	40
8.	Arbitration	1	25
9.	Democracy	2	150
10.	Indigenous peoples	2	53
11.	Afro-descendants	2	50
<b>12.</b>	<b>TOTAL</b>	<b>20</b>	<b>1965</b>

### Fellowships Awarded by the Department as a part of Projects Financed with Specific Funds

	<b>Topic</b>	<b>Number of fellows</b>
1.	Indigenous peoples	33
2.	Afro-descendants	28
<b>3.</b>	<b>TOTAL</b>	<b>61</b>

### Presentations by DIL Officers

	<b>Topic</b>	<b>Number of talks, presentations, etc.</b>	<b>Estimated number of trainees or participants</b>
1.	Inter-American system	1	30
2.	Access to information	2	750
3.	Data protection	5	936
4.	Private international law	5	850
5.	Secured transactions	1	100
6.	Indigenous peoples	6	310
7.	Afro-descendants	6	2335
<b>8.</b>	<b>TOTAL</b>	<b>26</b>	<b>5311</b>

### Publications

	<b>Topic</b>	<b>Number of books published</b>	<b>Copies distributed or sold</b>
1.	37th Course of International Law	150	108
2.	Workshops on International Law	150	69
3.	Democracy and the Inter-American System	200	50
4.	Standards of Protection for Afro-descendants	500	300
5.	Second Expert Workshop on Afro-descendants	500	150
<b>6.</b>	<b>TOTAL</b>	<b>1500</b>	<b>677</b>

### On-line Library

The Department's on-line library currently has some 31 different publications available to the general public; they may be consulted by means of the catalogue at:

[http://www.oas.org/dil/publications\\_catalogue.htm](http://www.oas.org/dil/publications_catalogue.htm).



### Dissemination Over the Internet<sup>4</sup>

	Month	Visits	Downloads
1	Jan	85,160	264,700
2	Feb	110,233	364,274
3	Mar	139,828	396,869
4	Apr	120,579	397,302
5	May	150,053	433,650
6	Jun	113,750	402,528
7	Jul	98,213	367,210
8	Aug	150,157	528,891
9	Sep	171,918	433,686
10	Oct	171,172	378,895
11	Nov	183,946	374,575
12	Dec	109,470	261,027
<b>13</b>	<b>TOTAL</b>	<b>1,604,479</b>	<b>4,603,607</b>

### Newsletters

**Number:** During the period covered by this report, 19 DIL newsletters were distributed, reporting on the Department's activities in promoting and disseminating international law and the inter-American system, along with other notices.

**Distribution and scope:** The newsletters are distributed to a list of some 1,132 interested individuals and organizations. The OAS's internal distribution system (General Secretariat, permanent missions, country offices, etc.) also distributes the newsletter electronically.

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<sup>4</sup> Figures provided by DOITS. Table does not include the link of the Inter-American Juridical Committee, which had a total of 59,401 visits, plus 150,984 downloads.

## **X. Conclusion**

Next June, the Development of International Law's Inter-American Program will be celebrating 15 years since its original adoption by the General Assembly in 1997. Since then, the member states have reaffirmed their support for the Program in annual resolutions. Last year, that support was bolstered by the states' decision to update the Program, in order to better meet new developments in the promotion of international law, in light of the results obtained to date with its implementation.

In this report we have striven to emphasize the DIL's efforts, through each of the activities described in detail, to showcase the Department's work in the Program's various areas, namely:

- a. Juridical information on the inter-American system's treaties.
- b. Legal developments within the organs of the OAS.
- c. Teaching of inter-American international law.
- d. Outreach through publications and other means.
- e. Cooperation for the development, dissemination, and teaching of international law in the Hemisphere.

We have also explained how, using new technologies and outreach media such as the internet, we are offering full information on treaty texts and their legal status, and on the cooperation agreements that the OAS has signed. Using those same channels, the Department also publicizes the inter-American agenda, with full information on specific topics related to international law.

Our activities for the promotion, dissemination, education, training, and in general, teaching of international law, through courses, workshops, seminars, conferences, and talks, have been described in sections II to IV of this report. Some of those activities also perform the function of promoting juridical development within the organs of the OAS.

We have continued to produce our traditional publications and, in line with the Program have added some new ones covering new subjects that are being incorporated into the Organization's agenda, such as the publications on topics related to Afro-descendants.

One noteworthy point is the progress recorded over the past year in the inclusion of a gender perspective in all our programs and activities, particularly those seeking to promote and disseminate international law. Thus, the full and equal participation of women, their particular needs, their contributions, and their presence were a constant in each of the thematic areas, activities, courses, seminars, training events, and workshops organized by the DIL over the past year. Not only did these activities include gender as a crosscutting issue; topics specifically related to women also received serious and careful attention. In addition, equal participation of the genders was assured not only in the numbers of fellows and participants, but also among the experts, lecturers, and trainers.

At the same time, the DIL has continued to promote cooperation with various other agencies and bodies, in order to strengthen the Program's activities. This is of vital importance, in that those ties translate into an important source of funding, enabling us to carry out many of the activities described herein without imposing a financial burden on the Organization. In order to avoid accidental omissions, we will not list all the strategic partners who have provided us with support in different ways for the successful execution of the Inter-American Program for the Development of International Law, but we do extend our gratitude to each and every one of them: international organizations and entities of various kinds, international financial institutions, cooperation agencies from different countries, permanent observer missions to the OAS, academic institutions, NGOs, and others.

We conclude this report by suggesting to the member states that they consider continuing to provide their resolved support to the Program, as they have done so since its adoption, in order to further strengthen the activities described herein, to reach a broader public, and to disseminate and promote international law, the inter-American system, and the Organization's juridical agenda in the best way possible.



## **ANNEXES**

The following documents are attached as annexes to this report:

- A. AG/DEC. 12 (XXVI-O/96), “Declaration of Panama on the Inter-American Contribution to the Development and Codification of International Law”;
- B. AG/RES. 2660 (XLI-O/11), “Inter-American Program for the Development of International Law”



A. AG/DEC. 12 (XXVI-O/96), "Declaration of Panama on the Inter-American Contribution to the Development and Codification of International Law"

AG/DEC. 12 (XXVI-O/96)

DECLARATION OF PANAMA ON THE INTER-AMERICAN CONTRIBUTION  
TO THE DEVELOPMENT AND CODIFICATION OF INTERNATIONAL LAW

(Adopted at the sixth plenary session,  
held on June 5, 1996)

THE GENERAL ASSEMBLY,

CONSIDERING:

That the Charter of the Organization of American States establishes that international law is the standard of conduct of states in their reciprocal relations;

That international order consists essentially of respect for the personality, sovereignty, and independence of states, and the faithful fulfillment of obligations derived from treaties and other sources of international law;

That the Organization of American States is the principal and irreplaceable forum in which states, on an equal footing, adopt legal provisions in both public and private international law to govern their relations at the hemispheric level;

That this has allowed the development of a rich regional legal heritage, which has been a valuable contribution by the Organization of American States to the consolidation of a peaceful, just, and equitable international order;

That full respect for the rule of law, nationally and internationally, is vital to the exercise of representative democracy, which is an essential purpose of the Inter-American system, and in this sense additional legal instruments should be developed to further strengthen democracy in the Hemisphere;

That the contribution of the inter-American legal system to the establishment of important principles of general international law has been recognized by the world community, notably the development of inter-American rules concerning human rights protection, the application of the principle of nonintervention, the establishment of procedures for peaceful settlement of disputes, the development of principles concerning the right to asylum and of rules on the law of the sea, the strengthening of judicial cooperation, the development and codification of private international law, and the creation of institutions to finance and promote economic and social development;

That, more recently, there have been noteworthy legal contributions concerning hemispheric solidarity and inter-American cooperation for the protection of minors, the

prevention of violence against women, efforts against corruption, the war on terrorism, and the waging of a common battle against drugs;

That the formulation and development of inter-American international law in the framework of the Organization encourages cooperation and mutual understanding among different national legal systems as well as between the civil and common law systems represented in the Hemisphere;

That inter-American legal development is a priority undertaking that should be intensified in light of the decision by the heads of state and government meeting in Miami in 1994 in support of peace, democracy, development, economic integration, and social justice;

That this will require a search for innovative legal solutions to meet the new challenges and demands arising from the commonality of interests, the increasing circulation of people, increased trade, the existence of common threats to our societies, concerns relating to indigenous populations, and the environment;

That the Secretary General of the Organization of American States has presented an important document entitled "The Law in a New Inter-American Order," which assesses the inter-American system's contribution to the governance of international relations, analyzes legal issues in our region, and recommends steps to achieve greater efficiency in the legal area, and which the Permanent Council of the Organization and the Inter-American Juridical Committee have received with interest;

That we are living in the United Nations Decade of International Law (1990-1999), an era in which the need for the progressive development and codification of international law has been underscored; and

That it is necessary for the member states to reaffirm their full support for the progressive development and codification of international law, for dissemination of information thereon in the framework of the Organization of American States, and for measures allowing greater inter-American legal cooperation,

**DECLARES:**

1. Its renewed and most staunch commitment to continue promoting the progressive development and codification of inter-American international law in the framework of the Organization of American States as a suitable way to strengthen relations of peace and solidarity among the states of the Americas, with full respect for their sovereignty and the principle of nonintervention.

2. Its firm belief that the inter-American legal heritage should be preserved and enriched on the basis of the Charter of the Organization of American States and in light of new challenges and goals in our region, so that it will reflect the ongoing cooperation between the two legal systems operating in the Hemisphere.



3. Its profound conviction that international law is the standard of conduct for states in their reciprocal relations, and that the Organization of American States is the forum best suited for the development, negotiation, and adoption of inter-American legal norms.

4. Its recognition of the work undertaken by the various bodies of the Organization on the proposal and preparation of inter-American legal provisions, emphasizing the need for ongoing cooperation and coordination among the Permanent Council, the Inter-American Juridical Committee, and the General Secretariat.

5. Its appreciation to the Secretary General for presenting the document "The Law in a New Inter-American Order," which should be studied by the competent bodies of the Organization.

6. Its resolve to support initiatives aimed at legally reinforcing the institutions of the member states and their cooperative efforts in their struggle against the various scourges afflicting our peoples.

7. Its conviction that, with a view to the growing integration of our countries, it is necessary to intensify the development of private international law and the harmonization of national laws so that they will not hinder the free movement of persons and goods but facilitate regional trade.

8. Its commitment to the legal development of the purposes and principles set forth in the Charter of the Organization of American States.

9. Its determination to move forward with the adoption of legal instruments to promote inter-American cooperation in preserving and protecting the environment.

10. Its certainty that the challenges of today require not only the development of international law through international treaties but also the adaptation by each state of national law to international agreements in force.

11. Its conviction that ties of coordination and cooperation between the Organization of American States and other international organizations, the United Nations in particular, must be strengthened in the area of the progressive development and codification of international law.

12. Its intent that the Organization of American States, through courses, seminars, studies, and publications on international law and judicial cooperation, continue to perform an important task in providing training and information jurists, diplomats, scholars, and officials across the region.

13. Its interest in promoting the broadest possible awareness of the inter-American legal system and, to that end, in studying innovative and cost-effective ways of disseminating this information so that the system will be fully understood and effectively applied in national legal systems.

14. Its approval of the reorganization of the Secretariat for Legal Affairs of the General Secretariat, which is being assigned responsibility for all General Secretariat activities related to the progressive development and codification of international law, its dissemination, and legal and judicial cooperation among the states.

15. Its decision to request the Inter-American Juridical Committee to review its work approach and its agenda with a view to playing a more active role in the legal issues entrusted to it by the Organization, with access to the resources it needs to carry out its responsibilities.

16. Its decision that the Permanent Council, through its Committee on Juridical and Political Affairs, promote procedures for more effective cooperation and coordination among the various bodies of the Organization on legal matters.

17. That this declaration shall be called the "Declaration of Panama on the Inter-American Contribution to the Development and Codification of International Law."

B. AG/RES. 2660 (XLI-O/11), “Inter-American Program for the Development of International Law”

AG/RES. 2660 (XLI-O/11)

INTER-AMERICAN PROGRAM FOR THE DEVELOPMENT  
OF INTERNATIONAL LAW

(Adopted at the fourth plenary session, held on June 7, 2011)

THE GENERAL ASSEMBLY,

Having seen the Annual Report of the Permanent Council to the General Assembly (AG/doc.5217/11 add. 1), in particular as it pertains to the implementation of resolution AG/RES. 2590 (XL-O/10), “Inter-American Program for the Development of International Law”;

CONSIDERING that in 1996 the General Assembly adopted the Declaration of Panama on the Inter-American Contribution to the Development and Codification of International Law [AG/DEC. 12 (XXVI-O/96)], and that in 1997, by resolution AG/RES. 1471 (XXVII-O/97), it adopted the Inter-American Program for the Development of International Law;

CONSIDERING ALSO that the General Assembly has reaffirmed its support for said Program through resolutions AG/RES. 1557 (XXVIII-O/98), AG/RES. 1617 (XXIX-O/99), AG/RES. 1705 (XXX-O/00), AG/RES. 1766 (XXXI-O/01), AG/RES. 1845 (XXXII-O/02), AG/RES. 1921 (XXXIII-O/03), AG/RES. 2032 (XXXIV-O/04), AG/RES. 2070 (XXXV-O/05), AG/RES. 2174 (XXXVI-O/06), AG/RES. 2264 (XXXVII-O/07), AG/RES. 2405 (XXXVIII-O/08), AG/RES. 2503 (XXXIX-O/09), and AG/RES. 2590 (XL-O/10);

UNDERSCORING the importance and ongoing validity of the principles of international law set forth in the Charter of the Organization of American States (OAS), as a standard to govern the conduct of states in their relations with one another;

TAKING NOTE of the “Report on the Inter-American Program for the Development of International Law. Activities Conducted by the Department of International Law of the Secretariat for Legal Affairs in 2010” (CP/CAJP/INF.136/11) and of the oral report given by the Director of that Department to the Committee on Juridical and Political Affairs on April 7, 2011; and

RECALLING that, since the adoption of the Inter-American Program for the Development of International Law by the General Assembly at its twenty-seventh regular session, in 1997, important progress has been made in the area; and recognizing the need to update the Program,

## RESOLVES:

1. To thank the Department of International Law for presenting the Report on the Inter-American Program for the Development of International Law and to urge its continued presentation of that report.
2. To reaffirm the importance of, and its support for, that Program and to request the Department of International Law to continue carrying out the activities listed therein.
3. To request the Permanent Council to report to the General Assembly at its forty-third regular session on the implementation of this resolution. Execution of the activities envisaged in this resolution will be subject to the availability of financial resources in the program-budget of the Organization and other resources.
4. To adopt the update to the Inter-American Program for the Development of International Law as follows:

### INTER-AMERICAN PROGRAM FOR THE DEVELOPMENT OF INTERNATIONAL LAW

The member states of the Organization of American States (OAS), within the framework of the principles and purposes set forth in the Charter of the Organization; bearing in mind the Declaration of Panama on the Inter-American Contribution to the Development and Codification of International Law [AG/DEC. 12 (XXVI-O/96)], as well as the Inter-American Program for the Development of International Law, adopted in 1997 by resolution AG/RES. 1471 (XXVII-O/97); and in response to new developments in the promotion of international law and the results achieved to date in the implementation of that Program, have decided to update the Program by carrying out the following measures:

#### Treaties in the Inter-American Context

- a. To continue maintaining and periodically updating the website of the Department of International Law with information on new legal developments on the inter-American agenda and on inter-American treaties and agreements, publishing them in such a way as to provide access to the complete texts of inter-American treaties of which the OAS is the depository and data on the current status of signatures, ratifications and/or accessions, reservations, objections, declarations, the dates of their entry into force, background information, preparatory documentation on those inter-American treaties, and similar information on cooperation agreements concluded by the OAS.

### Legal Development within the Organs of the OAS

- b. To request the General Secretariat to maintain close coordination among the various areas and offices and other bodies of the OAS in terms of systematizing data on resolutions, declarations, programs of action, and other legal developments arising from the various organs of the Organization.

### Teaching of Inter-American International Law

- c. To strengthen the Course on International Law conducted each year in Rio de Janeiro by the Inter-American Juridical Committee and the Secretariat for Legal Affairs by including sessions on the latest developments in international law and the hemispheric agenda.
- d. To organize, in cooperation with institutions in the various member states and other entities, whether in the territories of member states or at OAS headquarters, courses at the subregional and national levels on the various aspects of inter-American law, in particular, on the latest thematic developments within the Organization, so as to give legal advisers of foreign ministries, diplomatic staff, members of parliament, judges, members of the armed forces, and other senior public and institutional officials an opportunity to learn about and discuss legal and political developments within the OAS.
- e. To hold periodic meetings of professors of public and private international law from the member states and other regions so as to enhance the study, development, and teaching of legal topics in the inter-American system; and to strengthen ties with various academic institutions with a view to achieving the systematic incorporation of inter-American law into the curricula of the various faculties of law.
- f. To take into account the need to include topics and representatives from the various legal systems in the Hemisphere in all the activities mentioned above.

### Promoting Awareness

- g. To promote awareness of inter-American legal instruments, such as the amended OAS Charter and inter-American treaties, through publications and other media.
- h. To promote awareness of the major OAS activities in the legal area, on a periodic basis, through the newsletter of the Department of International Law.
- i. To continue to promote awareness of the legal publications arising from activities such as the Course on International Law and its thematic series,

the Workshops on International Law, and other academic activities in the area of international law.

Cooperation in the Development, Dissemination, and Teaching of International Law in the Hemisphere

- j. To promote agreements with various entities for the teaching and dissemination of inter-American law, including universities, institutes of international studies, and diplomatic academies, to encourage greater awareness of the legal heritage of the inter-American system and of the latest political and legal developments in the OAS framework.
- k. To promote cooperation with international organizations such as the United Nations, in particular the Sixth Committee of its General Assembly and the International Law Commission, as well as The Hague Academy of International Law and The Hague Conference on Private International Law, as a means of further publicizing inter-American international law.
- l. To promote the conclusion of cooperation agreements with various international financial agencies, such as the Inter-American Development Bank and the World Bank, and with foundations and other public and private entities that are in a position to provide financial support for the dissemination, development, and teaching of international law.