

AG/RES. 2905 (XLVII-O/17)

STRENGTHENING DEMOCRACY^{1/}

(Adopted at the first plenary session, held on June 20, 2017)

THE GENERAL ASSEMBLY,

HAVING SEEN the “Annual Report of the Permanent Council to the General Assembly June 2016-June 2017” (AG/doc.5565/17 add. 1), in particular the section on the activities of the Committee on Juridical and Political Affairs (CAJP);

CONSIDERING that the programs, activities, and tasks set out in the resolutions within the purview of the CAJP help further the essential purposes of the Organization of American States (OAS) as enshrined in its Charter;

REAFFIRMING the norms and principles of international law and those contained in the Charter of the OAS;

MINDFUL that the Charter of the OAS provides in its preamble “that representative democracy is an indispensable condition for the stability, peace and development of the region” and proclaims that one of the essential purposes of the Organization is to “promote and consolidate representative democracy, with due respect for the principle of nonintervention;” and

RECALLING resolutions AG/RES. 2703 (XLII-O/12), AG/RES. 2768 (XLIII-O/13), AG/RES. 2853 (XLIV-O/14), AG/RES. 2891 (XLVI-O/16), AG/RES. 2894 (XLVI-O/16), and all previous resolutions adopted on this subject,

I. ACTIVITIES OF THE COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

RESOLVES:

1. To instruct the Permanent Council, the General Secretariat, and the other organs identified in Article 53 of the Charter of the Organization of American States (OAS) to continue working on the implementation of the applicable current mandates set out in previous General Assembly resolutions assigned to the Committee on Juridical and Political Affairs (CAJP), except as stated otherwise in any resolution.

2. To urge the member states of the Organization to continue contributing to the attainment of the objectives established in said resolutions through the development and execution of activities, the submission of reports, the exchange of information, the adoption of measures and policies, and cooperation, support, and mutual assistance; and to instruct the General Secretariat to provide the necessary support to those ends.

1. The Bolivarian Republic of Venezuela does not agree to any commitment or mandate issued in this resolution as it did not participate in the negotiation of said resolution. It is still ...

i. Follow-up to the Inter-American Democratic Charter

RECALLING that the Inter-American Democratic Charter states that “the peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it” and that “democracy is essential for the social, political, and economic development of the peoples of the Americas”;

MINDFUL that the Charter of the Organization of American States establishes that “[e]very State has the right to choose, without external interference, its political, economic, and social system and to organize itself in the way best suited to it, and has the duty to abstain from intervening in the affairs of another State. Subject to the foregoing, the American States shall cooperate fully among themselves, independently of the nature of their political, economic, and social systems”;

RECALLING that the Inter-American Democratic Charter establishes that “[t]he promotion and observance of economic, social, and cultural rights are inherently linked to integral development, equitable economic growth, and to the consolidation of democracy in the states of the Hemisphere”; and

REAFFIRMING all the mandates contained in resolution AG/RES. 2835 (XLIV-O/14), “Promotion and Strengthening of Democracy: Follow-Up to the Inter-American Democratic Charter,”

RESOLVES:

1. To continue promoting democratic cooperation in order to support member states, at their request, in their efforts to strengthen democratic institutions, values, practices, and governance; fight corruption; enhance the rule of law; bring about the full exercise of human rights, and reduce poverty, inequity, and social exclusion.

2. To instruct the Permanent Council to continue the dialogue on the effectiveness of the implementation of the Inter-American Democratic Charter, taking into account all the topics addressed and discussions contained in the Final Report (CP/doc.4669/11 rev. 3), adopted on December 14, 2011.

3. To request the General Secretariat to continue conducting training programs to promote the principles, values, and practices of a democratic culture, in accordance with Articles 26 and 27 of the Inter-American Democratic Charter, and to improve awareness and promote the application of that inter-American instrument in the countries of the Hemisphere. Furthermore, to instruct the General Secretariat to continue to support the Permanent Council and member states that so request with implementation of the Inter-American Program on Education for Democratic Values and Practices.

ii. Technical Cooperation and Electoral Observation Missions

HIGHLIGHTING the substantive contribution made by the Organization of American States (OAS) to the strengthening and development of electoral processes and systems in the member states

through electoral observation missions, electoral advice, and technical cooperation, when so requested by a member state and consistent with the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers; and

NOTING that, since the decision contained in resolution CP/RES. 572 (882/91), “Program of Support for the Promotion of Democracy,” to restrict financing for electoral observation missions to external sources of funds, the OAS has been invited by an increasingly large number of member states to deploy electoral observation missions, and that the resulting growing importance of those missions demands a reassessment of their means of financing,

RESOLVES:

1. To request that the General Secretariat provide assistance to member states that so request in the implementation of recommendations contained in the reports of OAS electoral observation missions, and to invite donors to coordinate, through the General Secretariat, their support for OAS electoral observation missions in order to facilitate the planning of those missions.

2. To support the institutional strengthening of the Department of Electoral Cooperation and Observation, ensuring the conditions for the development of methodological tools, the dissemination of good electoral practices in the member states, training services, and applications for the efficient management of electoral observation missions.

3. To lift the restrictions that prevent the Regular Fund from being used, subject to the availability of resources, to cover costs associated with electoral observation missions.

4. To request that the General Secretariat present an annual report to the Permanent Council on the sources of funding of electoral observation missions and on the amounts spent on each individual mission.

iii. Inclusive Dialogue for Effectively Dealing with Social Conflicts in Investments for Integral Development

REAFFIRMING, as Article 11 of the Inter-American Democratic Charter acknowledges, that democracy and social and economic development are interdependent and mutually reinforcing; and its conviction that a peaceful and constructive approach to social conflicts associated with investment projects, from a rights-based perspective and through dialogue and other peaceful means for the prevention and alternative resolution of conflicts, contributes to democratic governance and integral development; and

REAFFIRMING ALSO the commitment to promoting peaceful and inclusive societies for sustainable development, to facilitating access to justice for all, and to building effective, responsible, and inclusive institutions at all levels,

RESOLVES:

1. To instruct the General Secretariat to continue, upon request, to support member states in developing institutional capacities for dealing with social conflicts associated with

investment projects, in the interests of integral development, of eradicating poverty—particularly extreme poverty—and of equality, equity, and social inclusion.

2. To request the General Secretariat to continue strengthening coordination of the projects and programs implemented by the various areas of the Organization, as well as their ties to other entities in the inter-American system and international organizations, with a view to promoting peaceful and inclusive societies, taking into account the 2030 Agenda for Sustainable Development and its Sustainable Development Goals.

iv. Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH)

STRESSING that corruption undermines the legitimacy of public institutions and constitutes a threat to democracy, peace, the rule of law, and justice, as well as to the overall development of peoples;

BEARING IN MIND the signing on January 19, 2016, of the agreement between the Government of the Republic of Honduras and the General Secretariat of the OAS to establish the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH); and

CONSIDERING the semiannual reports of the MACCIH presented to the Permanent Council of the OAS (First Semiannual Report [CP/doc.5353/16], October 2016; Second Semiannual Report [CP/doc.5310/17], May 2017),

RESOLVES:

1. To recognize the progress made by the Honduran institutions that, accompanied by the MACCIH, have made progress in the fight against corruption and eliminating impunity, particularly with the legislative and institutional reforms under way.

2. To encourage member states and observer countries to continue cooperating with the MACCIH and supporting its funding in order to ensure that it fulfills its objectives.

3. To instruct the General Secretariat to continue to support the work of the MACCIH, in the interests of democracy and development for the Honduran people.

v. Follow-up on the Inter-American Convention against Corruption and on the Inter-American Program of Cooperation to Fight Corruption

RECALLING resolution AG/RES. 1 (XLVII-E/14), “Guidelines and Objectives of the Strategic Vision of the Organization of American States,” Annex II, Section III of which identifies fighting corruption as one of the OAS priority areas; the mandates of the Summits of the Americas with respect to the fight against corruption; the Inter-American Program of Cooperation to Fight Corruption (MESICIC/CEP-II/doc.5/06 rev. 2); and the “Recommendations of the Fourth Meeting of the Conference of States Parties to the MESICIC” (MESICIC/CEP-IV/doc.2/15 rev. 1),

RESOLVES:

1. To instruct the Department of Legal Cooperation of the Secretariat for Legal Affairs,, in its capacity as the Technical Secretariat of the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC), to continue implementing the mandates contained in the “Recommendations of the Fourth Meeting of the Conference of States Parties to the MESICIC” (MESICIC/CEP-IV/doc.2/15 rev. 1), in accordance with the resources allocated in the program-budget of the Organization and other resources.

2. To resolutely endorse the commitment of the member states to preventing and combating corruption and to promoting transparency in order to help improve efficiency in public and private management and promote accountability, while working together to continue moving forward with the Fifth Round of Review of the MESICIC.

3. To instruct the MESICIC Technical Secretariat, to continue to provide legal advice and identify opportunities for technical assistance to the Conference of States Parties and the Committee of Experts of the MESICIC; support the organization of on-site visits and the preparation of draft reports with recommendations for each country; carry out programs and activities to facilitate the implementation of the Convention and their recommendations; offer states parties programs, projects, studies, mechanisms for exchanges of best practices, and legal and technical cooperation tools to help them prevent, detect, and punish acts of corruption in accordance with the Convention, and provide technical support, as necessary, to the Inter-American Program of Cooperation to Fight Corruption; maintain the Anticorruption Portal of the Americas; and pursue efforts to raise funds to finance regional cooperation activities, including legal cooperation, in the fight against corruption.

4. To urge the MESICIC Technical Secretariat to continue strengthening its coordination and collaboration with the secretariats of other international cooperation agencies, entities, and mechanisms active in that area; promoting an anti-corruption culture; and discharging its various other functions under the Document of Buenos Aires and the Rules of Procedure of the Conference of States Parties to the MESICIC and of its Committee of Experts.

vi. Meeting of Ministers of Justice or Other Ministers or Attorneys General of the Americas (REMJA)

TAKING INTO ACCOUNT that “cooperation among authorities with responsibilities in the area of justice” is one of the priority areas of the OAS, and that “the REMJA has consolidated itself as the hemispheric political and technical forum in the areas of justice and international legal cooperation,” which is essential for the development of justice systems and consolidation of the rule of law in the region; and that at the Summits of the Americas, the Heads of State and Government have supported the work carried out through the REMJA process and the implementation of its conclusions and recommendations,

RESOLVES:

1. To instruct the Department of Legal Cooperation, in its capacity as Technical Secretariat of the Meeting of Ministers of Justice or Other Ministers or Attorneys General of the Americas (REMJA), to continue implementing the mandates contained in the “Conclusions and

Recommendations of REMJA X” (REMJA-X/doc.2/15 rev. 2), in accordance with the resources allocated in the program-budget of the Organization and other resources.

2. To instruct the REMJA Technical Secretariat to continue to provide support, legal advice, and technical assistance to the REMJA process and to its working groups and technical meetings; prepare documents and studies to support follow-up and implementation of their recommendations; carry out programs, projects, and technical cooperation activities in pursuit thereof; manage and maintain the networks created in the REMJA area for which it is responsible; take steps to secure funding for the activities of the REMJA process; strengthen coordination and collaboration with the secretariats of other international cooperation agencies, entities, and mechanisms in areas that concern the REMJA; and discharge the other functions assigned to it in the Document of Washington.

vii. Strengthening the activities of the Inter-American Program of Judicial Facilitators

CONSIDERING:

That the positive impact and results of national judicial facilitator services and the training of justice operators promoted by the Inter-American Program of Judicial Facilitators, which strengthen justice institutions and open up access for people in a vulnerable situation, thereby helping to prevent crime and violence, promote a culture of peaceful settlement of disputes, and reduce the judicialization of disputes in Argentina, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, and Paraguay,

RESOLVES:

1. To support the work of the Inter-American Program of Judicial Facilitators, when so requested by member states, in establishing national judicial facilitator services, training justice operators, and supporting other access-to-justice initiatives, with a view to assisting the majority of member states by 2020.

2. To urge the General Secretariat to continue, when so requested, to assist member states in establishing national judicial facilitator services and providing training to their operators through the Inter-American Program of Judicial Facilitators.

3. To support efforts to collect voluntary contributions, consolidate and expand the services of the Inter-American Program of Judicial Facilitators where they are already being provided, and extend them to other member states that so request. To instruct the General Secretariat to give priority to, and assist in, mobilizing specific funds for that purpose.

viii. Effective Public Management Strengthening and Innovation in the Americas

CONSIDERING that democracy is essential for consolidating sustainable and inclusive development and equitable growth for the peoples of the Americas and that effective public management, the fight against corruption, and the promotion of transparency are fundamental components for the eradication of poverty and the full exercise of democracy; and

TAKING NOTE of the regional study “Promoting Public Servant Integrity in Interaction with the Public” (CP/CAJP/INF.339/17) prepared by the Department for Effective Public Management of the OAS General Secretariat,

RESOLVES:

1. To encourage member states to continue promoting public policies of transparency, accountability, probity, citizen participation, and improved delivery of public services to citizens and businesses, and to promote exchanges of experience and best practices in this area.

2. To invite member states to continue implementing public policies intended to promote probity in public administrations, taking into consideration the recommendations contained in the “Guidelines for the Management of Policies for Probity in the Public Administrations of the Americas” (CP/CAJP/INF.340/17).

3. To instruct the General Secretariat, through the Department for Effective Public Management, to continue to support the efforts of member states, when so requested, to strengthen their public management institutions—both national and local—through training programs on promoting innovation in public management, technical cooperation, dialogue facilitation, mutual learning, and the sharing of experience through, among other initiatives, the Inter-American Cooperation Mechanism for Effective Public Management (MECIGEP), and to continue promoting and contributing to the implementation of open government principles, such as transparency, collaboration with the various social actors, and citizen engagement.

ix. Access to public information and protection of personal data

RECALLING that access to public information and protection of personal data are indispensable for democracy and the full exercise of human rights, and that they perform complementary functions in bringing about effective citizen participation, thus contributing to the strengthening of public institutions, equality, and full observance of the rule of law,

RESOLVES:

1. To instruct the General Secretariat of the Organization of American States to continue supporting, with the assistance of civil society and other social actors, the efforts of member states that so request to adopt legislative and other appropriate measures to ensure access to public information and protection of personal data in accordance with their domestic laws and consistent with their international obligations and commitments, in particular to implement the Model Inter-American Law on Access to Public Information or to continue to bring themselves into line with it.

2. To request member states, in the framework of the Committee on Juridical and Political Affairs (CAJP), to report annually and voluntarily on their progress and exchange best practices in implementing the Inter-American Program on Access to Public Information.

3. To request the General Secretariat, in consultation with the focal points for the Inter-American Program on Access to Public Information and taking into account input from civil society, to identify thematic areas in which it considers it necessary to update or broaden the Model Inter-

American Law on Access to Public Information and to forward its findings to the Inter-American Juridical Committee to develop.

x. Support for the Inter-American Network on Government Procurement (INGP) as a mechanism of the inter-American system

CONSIDERING the recognition that the INGP has garnered as a high-level horizontal technical cooperation mechanism for the mobilization and exchange of human, technical, financial, and material resources for the generation of knowledge, experience, and best practices in public procurement among the member states of the Organization through resolution AG/RES. 2894 (XLVI-O/16); and

RECOGNIZING the work done by the OAS as the Technical Secretariat of the Network since 2008 in terms of facilitating technical and policy dialogue forums, promoting capacity building for public officials in national government procurement institutions, promoting the generation of knowledge in government procurement, and providing technical assistance, bearing in mind common needs and challenges, in order to develop regional solution strategies,

RESOLVES:

To renew its request that the General Secretariat continue supporting the operation of the INGP and the modernization of government procurement as a fundamental element to enhance transparency, efficiency, effectiveness, and innovation in public management, as well as promoting mechanisms for citizen participation and accountability.

xi. E-Government

TAKING NOTE of the Declaration of Santiago arising from the Fourth Ministerial Meeting on E-Government in Latin America and Caribbean and the Tenth Meeting of the Network of E-Government Leaders of Latin America and the Caribbean (GEALC Network), held on December 1 and 2, 2016, in Santiago, Chile, and mindful of the importance of promoting the use of information and communication technologies, as well as the digitalization of services, in order to assist in strengthening the effectiveness and efficiency of public institutions, making their management transparent, and promoting democracy, open government, civic innovation, and citizen participation as a key aspect of public administration,

RESOLVES:

1. To reaffirm the importance that using digital technologies holds for the governments of Latin America and the Caribbean as one of the most transformative factors of our times, given their impact on effective public service, democratization of public services, open government, the organization, systematization, and availability of public information, and citizen empowerment, as well as in terms of enhancing economic development, narrowing reducing social gaps, bring about digital inclusion, and moving towards an increasingly knowledge-based society and economy.

2. To encourage and promote advances in information and communication technologies for promotion of human rights, democracy, education for peace, tolerance, political participation, and gender equality.

3. To underscore the important role of the Network of E-Government Leaders of Latin America and Caribbean (GEALC Network), its contribution to dialogue, cooperation, and e-government promotion, and the need to extend its scope to all OAS member states; and to instruct the General Secretariat to promote the coordination of activities, projects, and programs in relation to the Network and to encourage best e-government practices for and among member states that so request, with a view to furthering the digital transformation of governments.

xii. Rights of the child

1. To support the actions being pursued by the Inter-American Children's Institute (IIN) to promote the participation of children and adolescents and the exercise of their right to seek, receive, and disseminate information and ideas, keeping in mind at all times the best interests of the child, and to encourage authorities, political actors, and adults in general, to listen to and respect the opinions and proposals of children and adolescents.

2. To promote intergenerational dialogue through coexistence based on democratic values that respect different opinions, while encouraging gender equality, equity, and nonviolence, all geared towards the peaceful settlement of disputes.

3. To encourage existing OAS forums to allow children and adolescents the opportunity to participate and have their opinions and proposals heard, fostering intergenerational dialogue on important issues that focus the attention of the region.

II. FOLLOW-UP AND REPORTING

RESOLVES:

1. To instruct the Permanent Council to follow up on the topics addressed in this resolution through their inclusion on the work plan of the CAJP, and the General Secretariat to report to the General Assembly at its forty-eighth regular session.

2. To instruct the General Secretariat, through the areas responsible for follow-up and implementation of activities connected with the purpose of this resolution, to submit in due course its 2017-2018 plan of activities for consultations or proper oversight by member states.

3. To request the Permanent Council to report to the General Assembly at its forty-eighth 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.

FOOTNOTE

1. ... within the denunciation period established in Article 143 of the OAS Charter.