

GENERAL ASSEMBLY



THIRTY-SIXTH REGULAR SESSION
June 4 – 6, 2006
Santo Domingo, Dominican Republic

OEA/Ser.P
AG/doc.4548/06 add. 3
8 June 2006
Original: Spanish

Item 6 on the agenda

REPORT ON THE ACTIVITIES OF THE
COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

REPORT OF THE CHAIR ON THE ACTIVITIES OF THE COMMITTEE
ON JURIDICAL AND POLITICAL AFFAIRS (2005-2006)

□ OFFICERS

On July 20, 2005, the Permanent Representative of Guatemala to the OAS, Ambassador Francisco Villagrán de León, was elected Chair of the Committee on Juridical and Political Affairs (CAJP).

On September 29, 2005, the Committee elected Counselor Catherine Vezina, Alternate Representative of Canada to the OAS, as Vice Chair.

On October 20, 2005, the Committee elected Minister Salvador Hernández Vela, Alternate Representative of the Bolivarian Republic of Venezuela to the OAS, as second Vice Chair.

□ ASSIGNMENT OF TOPICS TO THE COMMITTEE FOR STUDY -
WORK PLAN

On July 20, 2005, by means of document CP/doc.4049/05, the Permanent Council assigned 27 topics to the Committee for consideration. On March 1, 2006, two additional topics were assigned to the CAJP, as noted in document CP/doc.4049/05 rev. 3.

The Committee conducted its work on the basis of its Calendar of Activities (CP/CAJP-2303/05, revs. 1 to 5).

Between August 31, 2005, and May 26, 2006, the Committee held 21 formal meetings (one of them a two-day meeting), 7 special meetings, and 17 informal meetings (the informal meetings to consider the General Assembly draft resolutions and declaration).

During the 2005-2006 term, the Committee considered a total of 34 topics. Upon conclusion of its work, it transmitted 31 draft resolutions to the Permanent Council for consideration.

Detailed information on the activities of its working groups has been included in Appendixes I and II to this report.

□ CONSIDERATION OF THE TOPICS ASSIGNED TO THE COMMITTEE FOR STUDY
AND THOSE INTRODUCED BY DELEGATIONS

1. Observations and Recommendations on the Annual Report of the Inter-American Juridical Committee

The Annual Report of the Inter-American Juridical Committee for 2005 (CP/doc.4080/06) was presented by Dr. Mauricio Herdocia, Chair of that body, to the Committee on Juridical and Political Affairs on March 29 and 30, 2006.

The observations and recommendations of the member states on the Annual Report of the Inter-American Juridical Committee were published as document CP/CAJP-2385/06 corr. 1.

The corresponding draft resolution^{1/} was considered by the Committee at four informal consultation meetings, subsequently agreed on by the Committee on May 24, 2006, and approved by the Permanent Council on May 25, 2006 (AG/doc.4587/06).

2. Observations and Recommendations on the Annual Report of the Inter-American Commission on Human Rights

The Annual Report of the Inter-American Commission on Human Rights (IACHR) for 2005 – Volumes I, II, and III (CP/doc.4088/06 and CP/doc.4088/06 add. 1 and 2) was presented to the Committee on Juridical and Political Affairs on April 27, 2006, by Dr. Evelio Fernández Arévalos, President of that body.

The observations and recommendations of the member states on the Annual Report of the IACHR were published as document CP/CAJP-2399/06.

The corresponding draft resolution^{2/} on the subject was considered by the Committee at three informal consultation meetings, subsequently agreed on by the Committee on May 22, 2006, and approved by the Permanent Council on May 25, 2006 (AG/doc.4599/06).

3. Observations and Recommendations on the Annual Report of the Inter-American Court of Human Rights

The Annual Report of the Inter-American Court of Human Rights for 2005 and its Appendixes (CP/doc.4079/06) was presented to the Committee on Juridical and Political Affairs on March 10, 2006, by Dr. Sergio García, President of that body.

The observations and recommendations of the member states on the Annual Report of the Court were published as document CP/CAJP-2393/06.

The corresponding draft resolution^{3/} on the subject was considered by the Committee at two informal consultation meetings, subsequently agreed on by the Committee on May 24, 2006, and approved by the Permanent Council on May 25, 2006 (AG/doc.4595/06).

4. Strengthening of Human Rights Systems pursuant to the Mandates Arising from the Fourth Summit of the Americas

The Committee on Juridical and Political Affairs followed up on the mandates of this resolution at its regular meetings of September 30, October 20, and November 17, 2005, and of March 2, 7, and 9, 2006.

Of special interest is the meeting held on March 9, 2006: the “Dialogue on the Workings of the Inter-American Human Rights System among Member States and the Members of the Inter-

1. Presented by the Chair of the CAJP.
2. Presented by the Chair of the CAJP.
3. Presented by the Chair of the CAJP.

American Commission on Human Rights and the Inter-American Court of Human Rights,” the results of which are contained in the report of the meeting (CP/CAJP-2311/05 add. 2).

The corresponding draft resolution^{4/} on the topic was considered at three informal consultation meetings of the CAJP, subsequently agreed on by the Committee on May 24, 2006, and approved by the Permanent Council on May 25, 2006 (AG/doc.4592/06).

5. Strengthening of the National Human Rights Systems of the Member States and Support for the Work of Defenders of the People, Defenders of the Population, and Human Rights Attorneys or Commissioners (Ombudsmen)

The CAJP considered this topic at its meetings of September 29 and 30, 2005.

The corresponding draft resolution^{5/} was considered at four informal consultation meetings of the CAJP, subsequently agreed on by the Committee on May 24, 2006, and approved by the Permanent Council on May 25, 2006 (AG/doc.4593/06).

6. Standards for the Preparation of Periodic Reports pursuant to the Protocol of San Salvador

The CAJP considered this topic at its meeting of August 31, 2005.

The corresponding draft resolution^{6/} was considered at two informal consultation meetings of the CAJP, subsequently agreed on by the Committee on May 15, 2006, and approved by the Permanent Council on May 17, 2006 (AG/doc.4532/06).

7. Right to Freedom of Thought and Expression and the Importance of the Media

The CAJP considered this topic at its meeting of January 26, 2006.

The corresponding draft resolution^{7/} was considered at five informal consultation meetings of the CAJP and submitted to the Permanent Council on May 25, 2006, with no consensus having been reached. It will therefore be considered by the General Committee of the General Assembly (AG/doc.4602/06 rev. 1).

8. Protecting Human Rights and Fundamental Freedoms While Countering Terrorism

The CAJP considered this topic at its meetings of January 26 and February 16, 2006.

The corresponding draft resolution^{8/} was considered at five informal consultation meetings of the CAJP and submitted to the Permanent Council on May 25, 2006, with no consensus having been reached. It will therefore be considered by the General Committee of the General Assembly (AG/doc.4607/06).

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4. Presented by the Chair of the CAJP.
 5. Presented by the delegation of the Bolivarian Republic of Venezuela.
 6. Presented by the delegation of the Bolivarian Republic of Venezuela.
 7. Presented by the delegation of the Bolivarian Republic of Venezuela.
 8. Presented by the delegation of the Bolivarian Republic of Venezuela.

9. Human Rights Defenders: Support for the Individuals, Groups, and Organizations of Civil Society Working to Promote and Protect Human Rights in the Americas

The CAJP considered this topic at its meetings of September 29 and 30, 2005.

The corresponding draft resolution^{9/} was considered at three informal consultation meetings of the CAJP, subsequently agreed on by the Committee on May 15, 2006, and approved by the Permanent Council on May 17, 2006 (AG/doc.4531/06).

10. Study of the Rights and the Care of Persons under Any Form of Detention or Imprisonment

The CAJP considered this topic at its meetings of February 16 and March 2, 2006.

The corresponding draft resolution^{10/} was considered at three informal consultation meetings of the CAJP, subsequently agreed on by the Committee on May 24, 2006, and approved by the Permanent Council on May 25, 2006 (AG/doc.4609/06).

11. Inter-American Program of Cooperation to Prevent and Remedy Cases of International Abduction of Children by One of Their Parents

The Committee on Juridical and Political Affairs considered this topic at its meeting of December 16, 2005. On that occasion, it asked the Inter-American Children's Institute (IIN) for a progress report on the implementation of resolution AG/RES. 2133 (XXXV-O/05). The progress report drawn up by the IIN was published on January 4, 2006, as document CP/CAJP-INF.22/05 add. 1.

12. The Human Rights of All Migrant Workers and Their Families

The CAJP considered this topic at its regular meetings of December 16, 2005, and January 26, 2006.

Of special note is the meeting held on March 16, 2006: the Special meeting on the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, Including Migrant Workers and Their Families, the results of which are contained in the report of the meeting (CP/CAJP-2323/06 add. 6).

The corresponding draft resolution^{11/} was considered at four informal consultation meetings of the CAJP, subsequently agreed on by the Committee on May 24, 2006, and approved by the Permanent Council on May 25, 2006 (AG/doc.4596/06).

13. Internally Displaced Persons

The topic was included on the order of business for the CAJP meeting of January 26, 2006. The delegations did not make any comments.

9 Presented by the delegation of the Bolivarian Republic of Venezuela.

10 Presented by the delegation of the Bolivarian Republic of Venezuela.

11. Presented by the Chair of the CAJP.

The corresponding draft resolution^{12/} was considered at five informal consultation meetings of the CAJP, subsequently agreed on by the Committee on May 24, 2006, and approved by the Permanent Council on May 25, 2006 (AG/doc.4601/06).

14. Protection of Asylum Seekers, Refugees, and Returnees in the Americas

The draft resolution^{13/} on this topic was considered at three informal consultation meetings of the CAJP, subsequently agreed on by the Committee on May 24, 2006, and approved by the Permanent Council on May 25, 2006 (AG/doc.4608/06).

15. Persons Who Have Disappeared and Members of Their Families

The CAJP considered this topic at its meeting of January 26, 2006.

The corresponding draft resolution^{14/} was considered at four informal consultation meetings of the CAJP, subsequently agreed on by the Committee on May 24, 2006, and approved by the Permanent Council on May 25, 2006 (AG/doc.4606/06).

16. Right to the Truth

The draft resolution^{15/} on this topic was considered at three informal consultation meetings of the CAJP, subsequently agreed on by the Committee on May 15, 2006, and approved by the Permanent Council on May 17, 2006 (AG/doc.4528/06).

17. Promotion of and Respect for International Humanitarian Law

The Committee on Juridical and Political Affairs considered this topic at its regular meetings of October 20, November 17, and December 8 and 16, 2005 and on January 26, 2006.

Of particular note is the meeting held on February 2, 2006: "Special Meeting of the Committee on Juridical and Political Affairs on Topical Issues in the Area of International Humanitarian Law," the results of which are reflected in the Report of the Rapporteur of the Meeting, published as document CP/CAJP-2326/06.

The text of the draft resolution^{16/} on this topic was considered at six informal consultation meetings of the CAJP, and subsequently agreed to by the Committee on May 24 and approved by the Permanent Council on May 25, 2006 (AG/doc.4598/06).

12. Presented by the Chair of the CAJP.

13. Presented by the delegation of Brazil and sponsored by the delegations of Argentina, Chile and Mexico.

14. Presented by the delegation of the Bolivarian Republic of Venezuela.

15. Presented by the delegation of Argentina and cosponsored by the delegations of Brazil, Canada, Chile, Ecuador, Paraguay, Peru, and Uruguay.

16. Presented by the delegation of Mexico.

18. Promotion of the International Criminal Court

The Committee on Juridical and Political Affairs considered this topic at its regular meetings of October 20, November 17, and December 8, 2005 and on January 26, 2006.

Of special note is the meeting held on February 3, 2006: "Working Meeting of the International Criminal Court," the results of which are recorded in the Report of the Rapporteur of the Meeting, published as document CP/CAJP-2327/06 corr. 1.

The text of the draft resolution^{17/} was considered at three informal consultation meetings of the CAJP, and subsequently agreed to by the CAJP on May 15 and approved by the Permanent Council on May 17, 2006 (AG/doc.4529/06).

19. Declaration on the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (2006-2016)

The text of the draft declaration^{18/} on this topic was considered at three informal consultation meetings of the CAJP, subsequently agreed to by the Committee on May 15 and approved by the Permanent Council on May 17, 2006 (AG/doc.4530/06).

20. Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (2006-2016)

On April 21, 2006, the Committee on Juridical and Political Affairs, published the document "Draft Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (2006-2016), presented by the Permanent Mission of Peru with the request that it be considered by the CAJP at the start of its 2006-2007 activities.

The text of the draft resolution^{19/} on this topic was considered at three informal consultation meetings of the CAJP, subsequently agreed to by the Committee on May 18, and approved by the Permanent Council on May 25, 2006 (AG/doc.4604/06).

21. Establishment of the Committee contemplated in the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities

The text of the draft resolution^{20/} on this topic was considered at three informal consultation meetings of the CAJP, subsequently agreed to by the Committee on May 4, and approved by the Permanent Council on May 10, 2006 (AG/doc.4515/06).

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17. Presented by the delegation of México and sponsored by the delegations of Colombia and the Dominican Republic.
 18. Presented by the delegation of Peru and sponsored by the delegations of Chile, Costa Rica, Guatemala, Panama and Venezuela.
 19. Presented by the delegation of Peru and sponsored by the delegations of Chile, Costa Rica, Guatemala, Panama, and Venezuela.
 20. Presented by the delegation of Peru and sponsored by the delegations of Chile, Costa Rica, Guatemala, Panama, Peru, and Venezuela.

22. Cooperation among Member States of the OAS to Ensure Protection of Human Rights and Fight Impunity

The text of the draft resolution^{21/} on this topic was considered at four informal consultation meetings de la CAJP, subsequently agreed to by the Committee on May 24, and approved by the Permanent Council on May 25, 2006 (AG/doc.4597/06).

23. Access to Public Information: Strengthening Democracy

The Committee on Juridical and Political Affairs considered this topic at its regular meetings of December 8 and 16, 2005 and January 26 and March 2, 2006.

The CAJP based its consideration of this topic on the Report of the Special Meeting of the Permanent Council on “Access to Public Information: Strengthening Democracy, a document presented by the Chair of the Permanent Council in May 2004 (CP/doc.3884/04).

On April 28, 2006, the CAJP fulfilled the mandate to hold the meeting on this topic planned by the Permanent Council of the Organization since 2004. It was entitled “Special Meeting with the Participation of Experts from the States and Civil Society Representatives to Promote, Impart, and Exchange Experiences and Knowledge with respect to Access to Public Information and its Relationship with Citizen Participation,” the results of which are contained in the Report on the meeting published as document CP/CAJP-2320/05 add. 2.

24. Inter-American Program for the Development of International Law

The Committee on Juridical and Political Affairs considered this topic at its regular meetings of November 17, and December 8 and 16, 2005.

In addition, on February 16, 2006, the Office of International Law of the Department of International Legal Affairs presented the following document to the CAJP: “Acts performed during the year 2005 regarding inter-American Treaties - Signatures, Deposit of Instruments of Ratification and/or Accession, Reservations, Understandings, Declarations and Designations of Central Authorities or Units of Intelligence)” (CP/CAJP-2321/06).

Of note, too, is the meeting held on January 19, 2006: “Meeting of the Committee on Juridical and Political Affairs to share experiences on how international law is addressed in diplomatic academies and other training centers for public officials,” the results of which are recorded in the Report on the meeting presented by the Chair, published as document CP/CAJP-2324/06 corr. 1.

On March 2, 2006, the Committee on Juridical and Political Affairs was able to consider the “Report on the Inter-American Program for the Development of International Law” (activities carried out by the Department of International Legal Affairs between April 2005 and February 2006), a document that was subsequently distributed by the Secretariat (CP/CAJP-2235/05).

21. Presented by the delegation of Peru.

The text of the draft resolution^{22/} on this topic was considered at an informal consultations meeting of the CAJP, subsequently agreed to by the Committee on May 15, and approved by the Permanent Council on May 17, 2006 (AG/doc.4527/06).

25. Obligation of Member States to Respect the Rules and Principles of International Law contained in the OAS Charter in order to Preserve and Strengthen Peace in the Hemisphere

The Committee on Juridical and Political Affairs considered this topic at its regular meetings of December 8, 2005 and February 16, 2006.

Of note is the meeting held on March 30, 2006: "Special Meeting on the Principles of International Law contained in the OAS Charter," regarding which the Secretariat has not so far received the written statements of participants, which are needed to prepare the corresponding report on the meeting.

The text of the draft resolution^{23/} on this topic was considered at three informal consultation meetings of the CAJP and forwarded to the Permanent Council on May 25, 2006. No consensus was reached regarding it. It will therefore be considered by the General Committee of the General Assembly (AG/doc.4603/06 rev. 1).

26. Seventh Inter-American Specialized Conference on Private International Law (CIDIP VII)

The Committee on Juridical and Political Affairs considered this topic at its regular meetings of December 8, 2005 and February 16, 2006.

The text of the draft resolution^{24/} on this topic was considered at two informal consultation meetings of the CAJP, subsequently agreed to by the Committee on May 15, and approved by the Permanent Council on May 17, 2006 (AG/doc.4586/06).

27. Meeting of Ministers of Justice or of Ministers, or Attorneys General of the Americas

The Committee on Juridical and Political Affairs considered this topic at its regular meetings of October 20, and December 8 and 16, 2005.

On December 8, 2005, la CAJP considered and agreed on the text of the draft resolution of the Permanent Council entitled "Convocation of the Fourth Meeting of the Group of Governmental Experts on Cyber-Crime, Pursuant to Resolution AG/RES. 2068 (XXXV-O/05) and the Recommendations of the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-V)." The resolution approved by the Permanent Council on December 15 was published as document CP/RES. 896 (1524/05).

22. Presented by the delegation of the Bolivarian Republic of Venezuela.

23. Presented by the delegation of the Bolivarian Republic of Venezuela.

24. Presented by the Chair of the CAJP and sponsored by the delegation of Chile.

On December 16, 2005, the CAJP considered and agreed on the text of the draft resolution of the Permanent Council entitled “Date and Place of the Sixth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA VI)” – presented by the Permanent Mission of the Dominican Republic. The resolution approved by the Permanent Council on February 22, 2006 was published as document CP/RES. 899 (1531/06).

The text of the draft General Assembly resolution^{25/} on this topic was considered at three informal consultation meetings of the CAJP, subsequently agreed to by the Committee on May 15, and approved by the Permanent Council on May 25, 2006 (AG/doc.4600/06).

28. Meeting of Ministers of Justice or of Ministers, or Attorneys General of the Americas: Strengthening the Activities of the Justice Studies Center of the Americas (JSCA)

The text of the draft resolution^{26/} on this topic was considered at two informal consultation meetings of the CAJP, subsequently agreed to by the Committee on May 18, and approved by the Permanent Council on May 25, 2006 (AG/doc.4585/06).

29. Declaration on the Centennial of the Inter-American Juridical Committee

The text of the draft declaration^{27/} on this topic was considered at four informal consultation meetings of the CAJP, subsequently agreed to by the Committee on May 24, and approved by the Permanent Council on May 25, 2006 (AG/doc.4590/06).

30. Follow-up on the Inter-American Convention against Corruption and its Program for Cooperation

The Committee on Juridical and Political Affairs considered this topic at its regular meeting of October 20, 2005.

The text of the draft resolution^{28/} on this topic was considered at two informal consultation meetings of the CAJP, subsequently agreed to by the Committee on May 24, and approved by the Permanent Council on May 25, 2006 (AG/doc.4591/06).

31. 2006: Inter-American Year of the Fight against Corruption

The Committee on Juridical and Political Affairs considered this topic at its regular meeting of October 20, 2005.

32. Cooperation among the Member States in the Fight against Corruption and Impunity

The text of the draft resolution^{29/} on this topic was considered at two informal consultation meetings of the CAJP, subsequently agreed to by the Committee on May 24, and approved by the Permanent Council on May 25, 2006 (AG/doc.4594/06).

25. Presented by the delegation of the Dominican Republic and sponsored by the Delegation of Chile

26. Presented by the delegation of Chile.

27. Presented by the delegation of Nicaragua.

28. Presented by the Chair of the CAJP.

33. American Declaration on the Rights of Indigenous Peoples

The Working Group to prepare the Draft Declaration on the Rights of Indigenous Peoples considered the draft resolution^{30/} on this topic on April 18, 2006. The Committee on Juridical and Political Affairs subsequently agreed on this draft resolution on May 4, and finally the Permanent Council approved it on May 25, 2006 (AG/doc.4610/06).

The report on the activities in 2005-2006 of the working group pursuing this matter, chaired by Ambassador Juan León Alvarado, Alternate Representative of Guatemala to the OAS, was presented to the Committee on Juridical and Political Affairs on April 20, 2006 and is contained in Appendix I to this Report.

34. The Fight against Racism and All Forms of Discrimination and Intolerance and Consideration of the Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance

The Working Group to prepare a Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance considered the draft resolution^{31/} on this topic on April 18. The Committee on Juridical and Political Affairs subsequently agreed on this draft resolution on May 4, and, finally, the Permanent Council approved it on May 10, 2006 (AG/doc.4516/06).

The report on the activities in 2005-2006 of the working group pursuing this matter, chaired by Counselor Silvio José Albuquerque e Silva, Alternate Representative of Brazil to the OAS, was presented to the Committee on Juridical and Political Affairs on April 20, 2006 and is contained in Appendix II to this Report.

□ OBSERVATIONS AND RECOMMENDATIONS

Upon concluding my term (2005-2006) as Chair of the CAJP, I would like to present a few observations and recommendations on the workings of the Committee and the enormous number of topics assigned to it. In so doing, I trust that they may be taken into account by the Permanent Council of the Organization as it begins its work for 2006-2007.

1. The number of topics assigned to the Committee on Juridical and Political Affairs has increased enormously in recent years. In order to ensure serious political monitoring of the different themes, especially in the field of human rights and of international law, it would be advisable for the Permanent Council to try and strike a balance in the number of topics it assigns to its various committees. The allocation should not only be based on each committee's expertise. It should also bear in mind that assigning an excessive number of topics to a single committee prevents that committee from paying each topic the full attention it deserves (especially when the majority of subjects assigned to the CAJP have to do with human rights).

29. Presented by the delegation of Peru.

30. Presented by the Chair of the Working Group (Guatemala) and sponsored by the delegations of Bolivia, Brazil, Chile, Guatemala, Peru and Venezuela.

31. Presented by the delegation of Brazil (Chair of the Working Group) and sponsored by the delegations of Bahamas, Bolivia, Chile, Colombia, Guatemala, Peru, Uruguay, and Venezuela.

2. The aforementioned difficulties faced by the CAJP are exacerbated by the number of meetings and other special events that have to be held under General Assembly mandates. Not only do these meetings and special events absorb a substantial number of working days; organizing them also takes time, as the agendas for them have to be negotiated in the course of numerous regular meetings of the Committee, which delays consideration of the already large number of topics on its regular agenda.

3. The secretarial support provided to the Committee also needs to be reviewed, since, for a body like the CAJP, a single person simply cannot cope with the secretarial work load of the Committee and its two working groups. The Committee's working groups should have their own infrastructure, given that together they require as much support as a permanent committee of the Permanent Council, especially now that both working groups are working on future, extremely complex and delicate international human rights instruments.

4. These comments are not in any way intended to insinuate a lack of collaboration on the Secretariat's part in our efforts to overcome the difficulties encountered. Nor do I wish to imply that the staff serving the Committee directly or indirectly are inefficient. On the contrary, the Chair invariably found the Secretariat willing to do its utmost to find the best possible solution to the problems detected. Nevertheless, the abovementioned organs lack sufficient means to do their job properly. All the staff the CAJP depends on are completely dedicated to their work and committed to the success of the CAJP's work and that of its two Working Groups. Their extraordinary effort and personal commitment (way beyond the call of duty) exceed any reasonable expectations, as has been proved on numerous occasions. And yet they should not have to be stretched to a point at which they have to deal simultaneously with a plethora of tasks in an area in which the delegations demand quality and speed in delivering large volumes of work.

Francisco Villagrán de León
Ambassador, Permanent Representative of Guatemala
Chair of the Committee on Juridical and Political Affairs

Appendix I

PERMANENT COUNCIL OF THE
ORGANIZATION OF AMERICAN STATES

COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

OEA/Ser.K/XVI
GT/DADIN/doc.262/06 rev. 1
28 June 2006
Original: Spanish

Working Group to Prepare
the Draft American Declaration
on the Rights of Indigenous Peoples

ACTIVITIES OF THE WORKING GROUP
DURING THE 2005-2006 TERM

(Report of the Chair – presented to the Committee on Juridical
and Political Affairs on April 20, 2006)

ACTIVITIES OF THE WORKING GROUP
DURING THE 2005-2006 TERM

(Report of the Chair – presented to the Committee on Juridical
and Political Affairs on April 20, 2006)

I. BACKGROUND

At its thirty-fifth regular session, the OAS General Assembly adopted resolution AG/RES. 2073 (XXXV-O/05), which reaffirmed, as a priority of the Organization of American States, the adoption of the American Declaration on the Rights of Indigenous Peoples, acknowledging the importance of the final phase of negotiations initiated by the Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples, in which negotiation meetings were arranged in pursuit of a consensus and an early and successful conclusion of the draft Declaration, and emphasizing the importance of broad and effective participation by representatives of indigenous peoples in the process of preparing the Draft Declaration.

In that resolution, the General Assembly also renewed the mandate of the Working Group so that it might conclude the final phase of negotiations on the draft Declaration, on the basis of the consolidated text of the draft Declaration prepared by the Chair of the Working Group (GT/DADIN/doc.139/03) and considering the proposed Declaration presented by the Inter-American Commission on Human Rights (CP/doc.2878/97 corr. 1) and the proposals by member states, representatives of indigenous peoples, specialized organizations of the inter-American system, and other entities.

To this end, the General Assembly requested the Permanent Council to instruct the Working Group to give increased emphasis to the holding of negotiation meetings with a view to the prompt adoption of the American Declaration on the Rights of Indigenous Peoples and to continue to take the appropriate measures to ensure continuing transparency of, and effective participation by representatives of indigenous peoples in, the negotiation meetings in pursuit of points of consensus.

In that resolution, the General Assembly also invited the member state governments to continue to conduct domestic consultations with their indigenous peoples on the draft Declaration being negotiated in the OAS framework and to exchange information regarding those consultations.

II. ACTIVITIES OF THE WORKING GROUP

A. Election of the chair of the Working Group

On August 31, 2005, the Committee on Juridical and Political Affairs of the Permanent Council reelected Ambassador Juan León Alvarado, Alternate Representative of Guatemala to the OAS, as Chair of the Working Group.

B. Election of the vice chair of the Working Group

The Working Group began the 2005-2006 term on August 31, 2005. During that meeting, Counselor Ana Peña Doig, Alternate Representative of the Permanent Mission of Peru, was reelected as Vice Chair of the Working Group.

C. Organizational arrangements

The Chair of the Working Group placed before the Group for its consideration a schedule of activities for the 2005-2006 term. The proposed schedule of activities included all the necessary steps for fulfilling the tasks assigned by the General Assembly. These included regular meetings and meetings of negotiations in the quest for points of consensus. It also provided all the necessary information on tasks and topics to be taken up by the Working Group in a complementary fashion, until the conclusion of its efforts upon presentation of this report on the activities of the Working Group for consideration by the Committee on Juridical and Political Affairs and possible submission to the Permanent Council and General Assembly of the Organization.

Following statements by delegations, the schedule was approved, *ad referendum*, on August 31, 2005, and mention was made of a need for certain adjustments during the 2005–2006 term, in view of the Group’s interest in pursuing its activities as efficiently and flexibly as possible. Pending further consultations, most delegations agreed to treat the schedule of activities as the Chair’s guidelines for scheduling possible dates for the main activities entrusted to the Working Group.

As in prior years, the Working Group Chair relied on the support and professionalism of the advisory group, comprising Dr. Isabel Madariaga, Principal Specialist of the Group of Rapporteurs on the Rights of Indigenous Peoples of the Inter-American Commission on Human Rights; Dr. Luis Toro of the Office of Inter-American Law and Programs of the Department of Legal Affairs and Services; the Summits of the Americas Secretariat, through its Director, Mr. Luis Alberto Rodríguez, and its Principal Specialist, Mr. Jorge Sanín; and, finally, the Permanent Council Secretariat, specifically Mr. Alejandro Aristizábal (Working Group Secretary) and Ms. Georgina Mayorga.

D. Meetings of the Working Group

The Working Group held nine regular meetings during the 2005-2006 term; of these, four were held in the second half of 2005 (August 31, September 23, November 17, and December 16) and five in the first half of 2005 (January 24, February 9, March 7, and April 6 and 18). In addition, two meetings of negotiations in the quest for points of consensus were held during the 2005-2006 term. The sixth meeting of negotiations in the quest for points of consensus was held from October 10 to 14, 2005, in Antigua Guatemala, Guatemala; the seventh was held from March 21 to 25, 2006, in Brasilia, Brazil.

On March 7, 2006, the Chair of the Working Group presented the draft resolution “American Declaration on the Rights of Indigenous Peoples” (GT/DADIN/doc.250/06) to the Group. That draft resolution is attached hereto and will be presented to the Permanent Council for consideration by the OAS General Assembly at its regular session to be held in Santo Domingo, Dominican Republic, from June 4 to 6, 2006.

III. SIXTH MEETING OF NEGOTIATIONS IN THE QUEST FOR POINTS OF CONSENSUS

The sixth meeting of negotiations in the quest for points of consensus was held from October 10 to 14, 2005, in Antigua Guatemala, Guatemala, under the leadership of the Working Group Chair. The Chair published a report on the meeting, contained in document GT/DADIN/doc.237/05 rev. 1 corr. 1. The results of the six meetings of negotiations in the quest for points of consensus are also provided in document GT/DADIN/doc.236/05 rev. 1.

IV. SEVENTH MEETING OF NEGOTIATIONS IN THE QUEST FOR POINTS OF CONSENSUS

The seventh meeting of negotiations in the quest for points of consensus was held in Brasilia, Brazil, from March 21 to 25, 2006. The report of the Working Group Chair on this meeting was published as document GT/DADIN/doc.258/06 and the Record of the Current Status of the Draft American Declaration on the Rights of Indigenous Peoples is provided in document GT/DADIN/doc.260/06.

V. DRAFT GENERAL ASSEMBLY RESOLUTION “AMERICAN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES”

The Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples considered the draft resolution^{32/} on the topic on April 18, 2006. The draft resolution was subsequently approved by the Committee on Juridical and Political Affairs, on May 4, and then by the Permanent Council, on May 25, 2006 (AG/doc.4610/06).

VI. CONSULTATIONS HELD BY GOVERNMENTS WITH THEIR INDIGENOUS PEOPLES, REGARDING THE DRAFT DECLARATION

As recommended by the Working Group at its meeting of April 18, 2006, the Chair is recording in this report that, over the past year, the Governments of Brazil, Guatemala, Mexico, and Venezuela held consultations on the Draft Declaration with their respective indigenous peoples, and invites the other member states to hold similar consultations

VII. SITUATION OF THE SPECIFIC FUND

The Working Group Chair is deeply grateful to Canada, Brazil, Guatemala, Mexico, Nicaragua, and Finland for their contributions to the Specific Fund. He is also grateful for the contributions of Germany, Spain, Norway, and the Netherlands, who, with Guatemala, contributed directly toward the holding of the sixth meeting of negotiations in the quest for points of consensus, and for the contribution of the Government of Brazil with complementary resources of the Specific Fund established for preparation of the Draft American Declaration on the Rights of Indigenous

32. Presented by the Chair of the Working Group (Guatemala) and cosponsored by the delegations of Bolivia, Brazil, Chile, Guatemala, Peru, and Venezuela.

Peoples, which, like Guatemala, covered the costs of lodging, meals, and transportation for indigenous peoples' representatives at the seventh meeting of negotiations.

The fact that member states have invited the Working Group to hold its negotiation meetings in their territories has greatly contributed to the ample participation by indigenous peoples' representatives from different parts of the Hemisphere. The interest expressed by various governments in hosting upcoming negotiation meetings is therefore appreciated.

The Working Group Chair hopes that the 2006-2007 term will see increased contributions by all countries to the Specific Fund, so as to continue strengthening effective and broad participation by indigenous peoples in the drafting of this declaration that is of interest to all of us.

VIII. ACKNOWLEDGEMENTS

The Chair of the Working Group places on record his recognition of the interest in arriving at a consensus and the efforts to do so, the positive contributions to the dialogue, and the constant support for all the Working Group's events shown by the Vice Chair of the Group, Counselor Ana Peña, Alternate Representative of Peru to the OAS, the distinguished delegates of the member states, and the indigenous peoples' representatives.

Ambassador Juan León Alvarado
Chair of the Working Group to Prepare the
Draft American Declaration on the Rights of Indigenous Peoples
Alternate Representative of Guatemala

Appendix II

PERMANENT COUNCIL OF THE
ORGANIZATION OF AMERICAN STATES

COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

OEA/Ser.G
CAJP/GT/RDI-24/06 rev. 2
8 June 2006
Original: Spanish

Working Group to Prepare a Draft
Inter-American Convention against Racism
and All Forms of Dissemination and Intolerance

ACTIVITIES OF THE WORKING GROUP
DURING THE 2005-2006 TERM

(Report of the Chair - presented to the Committee on Juridical
and Political Affairs on April 20, 2006)

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and Political Affairs on April 20, 2006)

I. BACKGROUND

At its thirty-fifth regular session, the OAS General Assembly adopted resolution AG/RES. 2126 (XXXV-O/05), reaffirming the firm commitment of the Organization of American States to the eradication of racism and all forms of discrimination and intolerance.

In the aforementioned resolution, the General Assembly also instructed the Permanent Council to establish a working group charged with receiving inputs from member state delegations, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the Inter-American Juridical Committee, the Justice Studies Center of the Americas (JSCA), interested OAS organs, agencies, and entities, the United Nations, regional organizations, representatives of indigenous peoples, entrepreneurs, labor groups, and civil society organizations, with a view to the Working Group's preparation of a Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance.

To this end, the General Assembly requested the Permanent Council to instruct the Working Group to "continue to address, as a matter of priority, the subject of preventing, combating, and eradicating racism and all forms of discrimination and intolerance," and to "convene a special meeting of the Working Group to examine and discuss the nature of a future Inter-American Convention against Racism and All Forms of Discrimination and Intolerance that aims to increase the level of protection afforded to human beings against acts of this type, with a view to reinforcing the international standards now in effect, and taking into account the forms and sources of racism, discrimination, and intolerance in the Hemisphere and those manifestations not addressed in existing instruments on the subject."

II. ACTIVITIES OF THE WORKING GROUP

A. Installation of the Working Group to Prepare a Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance

The Committee on Juridical and Political Affairs, in compliance with the mandate issued in operative paragraph 1 of resolution AG/RES. 2126 (XXXV-O/05) of the OAS General Assembly, decided to install this Working Group at its meeting of August 31, 2005.

B. Election of the Chair of the Working Group

On August 31, 2005, the Committee on Juridical and Political Affairs of the Permanent Council elected, as Chair of the Working Group, Counselor Silvio José Albuquerque e Silva, Alternate Representative of Brazil to the OAS.

C. Election of the Vice Chair of the Working Group

The working group initiated its 2005-2006 activities on September 23, 2005. At that meeting, Counselor Eliana Manjarrez, Alternate Representative of Colombia, was elected Vice Chair of the Working Group.

D. Work Plan

On September 23, the Chair of the Working Group submitted to the Group for consideration a schedule of activities for 2005-2006. The proposed schedule included all necessary courses of action for performing the tasks assigned by the General Assembly. Those tasks included regular meetings as well as a special meeting, and a meeting of the Working Group with government experts from the member states. The schedule included all necessary information on the activities to be carried out by the Group until such time as it finished its work.

The schedule was finally approved by the delegations on September 23, 2005, subject *ad referendum* to changes that might have to be made during the 2006-2006 term to enable the Group to move forward as efficiently as possible.

The Chair of the Working Group enjoyed the collaboration of the Group's Vice Chair, Counselor Margarita Manjarrez, and the support and professional assistance of its advisory group, consisting of Mr. Dante Negro, Director of the International Law Office; Mr. Ariel Dulitzky, Senior Specialist of the Executive Secretariat of the Inter-American Commission on Human Rights; two representatives of the Summits Department: its Director, Mr. Luis Alberto Rodríguez, and Mr. Jorge Sanín, Senior Specialist; Mr. Luiz Coimbra, Public Information Coordinator of the Department of Press and Communications; and lastly, Mr. Alejandro Aristizábal of the Permanent Council Secretariat (Secretary of the Working Group).

E. Meetings of the Working Group

The Working Group held eight regular meetings during the 2005-2006 term; of these, four were held in the second half of 2005 (September 23, October 20, November 14, and December 16) and four in the first half of 2006 (January 27, February 10, March 7, and April 18). In addition, a special meeting was held on November 28 and 29, 2005.

On April 18, 2006, the Chair of the Working Group introduced the draft resolution presented by the Brazilian delegation and cosponsored by the delegation of Colombia, titled: "Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance" (CAJP/GT/RDI-23/06), the text of which is attached to this report. It will be forwarded to the Permanent Council for consideration by the session of the OAS General Assembly to be held in Santo Domingo, Dominican Republic, from June 4 to June 6, 2006.

On this same date, the Chair of the Working Group presented to the Group the "Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance" (CP/CAJP-2357/06), which was based on the inputs received from the member states, civil society representatives, United Nations experts, and OAS organs, agencies, and entities, as well as other regional and international entities, so that it might serve as a basis for negotiations on a future Convention to be initiated by said Group.

III. MEETINGS OF THE WORKING GROUP

The purpose of the regular meetings of the Working Group was to receive inputs from OAS organs, agencies, and entities, as well as from the United Nations, regional organizations, representatives of indigenous peoples, entrepreneurs, labor groups, and civil society organizations, with a view to the Working Group's preparation of a Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance, requested by the General Assembly in operative paragraph 1 of resolution AG/RES. 2126 (XXXV-O/05).

The summaries of these meetings contain information on the treatment of different aspects of the fight against racism and all forms of discrimination and intolerance, and may be found in documents CAJP/GT/RDI/SA-1 to 8/06.

IV. SPECIAL MEETING TO EXAMINE AND DISCUSS THE NATURE OF A FUTURE INTER-AMERICAN CONVENTION AGAINST RACISM AND ALL FORMS OF DISCRIMINATION AND INTOLERANCE, HELD AT OAS HEADQUARTERS ON NOVEMBER 28 AND 29, 2005

On October 20, 2005, the Working Group approved the Agenda for the Special Meeting (CAJP/GT/RDI-3/05 rev. 3). Said meeting took place on November 28 and 29, 2005, with the participation of the panelists whose names appear in the meeting's Schedule (CAJP/GT/RDI-12/05 rev. 2). At the outset of the meeting, the Vice Chair of the Group was elected Rapporteur. Pursuant to the mandate issued in resolution AG/RES. 2126 (XXXV-O/05), the Special Meeting had three panels, on the following topics:

- a. The issues: Determination of the main forms and sources of racism, discrimination, and intolerance in the Hemisphere
- b. Regional and international instruments and initiatives for fighting racism, racial discrimination, and any form of discrimination and intolerance
- c. Best practices: National and international models as sources of an inter-American convention

The Rapporteur's Report on the Special Meeting was published as document CAJP/GT/RDI-16/05.

The speeches and presentations referred to in this document have been compiled in document CAJP/GT/RDI-15/05 corr. 1.

V. PRELIMINARY INPUTS OF THE MEMBER STATES FOR THE FUTURE WORK ON THE PREPARATION OF A DRAFT INTER-AMERICAN CONVENTION AGAINST RACISM AND ALL FORMS OF DISCRIMINATION AND INTOLERANCE

On September 21, 2005, by Note CAJP/GT/RDI-4/05, the Chair of the Working Group invited the member states to offer their preliminary inputs for the future preparation of a draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance, and underscored in his communication that:

“In particular, as concerns the nature of the future Convention, he would like to hear their views concerning which new rights not included in international instruments on the topic should be envisaged in a regional legal instrument designed to address conventional and present-day manifestations of racism, discrimination, and intolerance, so that the new instrument may, *inter alia*, help fill present gaps in international law in the area.”

As a result of that request, the Governments of Argentina, Brazil, Chile, Colombia, Mexico and Peru presented in writing their “Preliminary Inputs for the Future Preparation of a Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance,” as set out in addenda 1-6 to document CAJP/GT/RDI-4/05.

The Chair also took into account the comments made by the delegation of Guatemala at the Special Meeting to Examine and Discuss the Nature of a Future Inter-American Convention against Racism and All Forms of Discrimination and Intolerance, held at OAS headquarters on November 28 and 29, 2005, as reflected in the Report of the Rapporteur for the Special Meeting (CAJP/GT/RDI-16/05).

VI. PRELIMINARY DRAFT INTER-AMERICAN CONVENTION AGAINST RACISM AND ALL FORMS OF DISCRIMINATION AND INTOLERANCE (CP/CAJP-2357/06)

The Chair of the Working Group presented general guidelines concerning the contents of that document at the Group’s meeting on April 18, 2006, underscoring that those guidelines took into account the inputs received by the Group during its first year of activities from OAS organs, agencies, and entities, as well as from the United Nations, regional organizations, representatives of indigenous peoples, entrepreneurs, labor groups, and civil society organizations.

VII. DRAFT GENERAL ASSEMBLY RESOLUTION ON A “DRAFT INTER-AMERICAN CONVENTION AGAINST RACISM AND ALL FORMS OF DISCRIMINATION AND INTOLERANCE”

The Working Group considered the draft resolution^{33/} on the topic on April 18. It was subsequently approved by the Committee on Juridical and Political Affairs on May 4 and then by the Permanent Council on May 10, 2006 (AG/doc.4516/06).

33. Presented by the delegation of Brazil (Chair of the Working Group) and cosponsored by the delegations of The Bahamas, Bolivia, Chile, Colombia, Guatemala, Peru, Uruguay, and Venezuela.

VIII. ACKNOWLEDGMENTS

The Chair of the Working Group would like to take this opportunity to express his appreciation to the Vice Chair of the Group, Mrs. Margarita Eliana Manjarrez, Alternate Representative of Colombia to the OAS, for her concern and dedication in making the Group's efforts a success, as well as to the members of the advisory group.

In addition, he would like to express his gratitude to the member states that presented preliminary inputs for the future preparation of a draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance, to member state delegates and government experts, representatives of organs, agencies, and entities of the OAS and the United Nations, representatives of indigenous peoples, and civil society organizations that participated actively in the meetings of the Working Group, enriching the deliberations of this forum.

Counselor Silvio José Albuquerque e Silva
Alternate Representative of Brazil
Chair of the Working Group to Prepare a Draft
Inter-American Convention against Racism and All Forms of
Discrimination and Intolerance