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**BIENNIAL REPORT ON THE INTER-AMERICAN PROGRAM
FOR THE DEVELOPMENT OF INTERNATIONAL LAW
AG/RES. 2909 (XLVII-O/17)**

APRIL 1, 2017 – FEBRUARY 28, 2019

Document prepared by the Department of International Law

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Presentation

Pursuant to General Assembly resolution AG/RES. 2909 (XLVII-O/17) section I (i), paragraph (1), the Department of International Law (DIL) of the Secretariat for Legal Affairs (SLA) of the OAS is pleased to present to the Committee on Juridical and Political Affairs (CAJP) of the Permanent Council its *Biennial Report on Implementation of the Inter-American Program for the Development of International Law*, corresponding to the 2017-2019 period, so that it may be presented, with any relevant considerations, to the Permanent Council, and that it may be considered at the next regular session of the General Assembly.

The Inter-American Program for the Development of International Law (the Program) was originally adopted in 1997 within the framework of the principles and purposes established in the Charter of the Organization, mindful of the Declaration of Panama on the Inter-American Contribution to the Development and Codification of International Law of 1996.¹ Fourteen years later, the General Assembly, taking into consideration its relevance, the importance of the results obtained during its implementation, the present-day relevance of its principles, and the need to renew its contents and to take into account the current context of the Organization, decided to update it and adopt a new version.² More recently, in 2016, the General Assembly once again renewed its commitment to member states with this Program and asked the DIL to continue its implementation.³

The main objectives of the Program are to contribute to the development and codification of international law in the context of the OAS; to promote the widest possible dissemination of the inter-American legal system; and to give impetus to the dissemination of and cooperation for the development, dissemination, and teaching of international law in the Hemisphere.

Together, both the program and the specific resolutions adopted by the General Assembly of the OAS have served as a roadmap to guide the DIL's activities, and thus it has undertaken an exercise to harmonize the mandates received and has sought ways of optimizing its resources.

As has been our practice for several years, the gender perspective permeates each of the thematic areas and activities organized by the DIL during the period covered by this report.

For the purposes of this document and to the extent that oftentimes the substantive development of an issue has also been the subject of dissemination and codification, we have again opted to address the progressive development and codification of international law and its dissemination in a unified manner. Accordingly, this document has organized the activities conducted during the period in question into thematic areas, following the two main lines mentioned.

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1. AG/DEC. 12 (XXVI-O/96)
 2. AG/RES. 2660 (XLI-O/11)
 3. AG/RES 2886 (XLVI/O/16)

Before addressing each issue, the specific mandates adopted by the General Assembly are identified, followed by those included in the Program and the tangible results and outputs from their implementation. Lastly, the section titled “The Program in Figures” highlights some of those achievements, as well as other indicators that demonstrate the impact the Program has had in the period noted above.

Very generally, we are pleased to report that the DIL team has worked mainly on 10 substantive issues by providing ongoing legal advisory services to both political bodies and the Secretary General; answering questions from member states; preparing and distributing 90 newsletters; and updating 2,097 web pages that received a total of 1,287,256 visits during the biannual reporting period, among other activities that are briefly described in this report.

We would like to take this opportunity to express thanks for the trust and support of our institutional partners, whose human, technical, and economic resources have been key for developing many of the activities described herein.

Finally, we put to the consideration of the States the possibility of continuing to provide decisive support for the Program, as they have been doing for more than 22 years, so as to continue reinforcing and advancing the activities described in this report, and identifying new areas of opportunity in the development and promotion of international law and strengthening the legal framework of the inter-American system and the legal agenda of the Organization.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dante Negro', with a stylized flourish at the end.

Dante Negro
Director
Department of International Law
Secretariat for Legal Affairs

I. Progressive Development and Dissemination of International Law

A. Access to Public Information

Mandates:⁴

1. Support the efforts of member states requesting support on taking legislative and other appropriate measures to guarantee access to public information and the protection of personal data in accordance with their domestic legislation and consistent with their international obligations and commitments, in particular the implementation of the Model Inter-American Law on Access to Information or continued adjustment to it.
 2. Work in consultation with the focal points of the Inter-American Program on Access to Public Information and civil society to continue identifying thematic areas in which update or expansion of the Model Inter-American Law on Access to Information is deemed necessary, taking into consideration the most recent regional and global developments on the protection of personal information and submitting the results to the Inter-American Juridical Committee for development.
 3. Support, as an observer, the work done by the Network for Transparency and Access to Information (RTA: Red de Transparencia y Acceso a la Información) and participate actively in its activities.
 4. Coordinate the actions that lead to the full implementation of the Inter-American Program on Access to Public Information.
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The roadmap that has guided the work the DIL has done on this issue over the period covered by this report is based on two central tools: the Model Inter-American Law on Access to Information (Model Access to Information Law), which has become an essential point of reference for legislative reforms throughout the region; and the Inter-American Program on Access to Public Information, approved by the General Assembly of the OAS in 2016,⁵ which recognizes the essential role of international instruments in promoting and protecting access to public information, as well as the fundamental role of this right in elections and democratic processes, in the governance of the state, in transparency and fighting corruption, and in protecting and promoting human rights.

In this context, the activities conducted by the DIL have been focused on promoting and supporting the countries in implementing the Model Access to Information Law; disseminating and coordinating the Inter-American Program on Access to Public Information; and drafting version 2.0 of the Model Access to Information Law, highlighting the following:

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4. AG/RES. 2928 (XLVIII-O/18); AG/RES. 2927 (XLVIII-O/18) Section I, paragraph iv; AG/RES. 2909 (XLVII-O/17) Section I, paragraph 2; AG/RES. 2905 (XLVII-O/17), Section IX; AG/RES. 2886 (XLVI-O/16); AG/RES. 2885 (XLVI-O/16); AG/RES. 2842 (XLIV-O/14) paragraph 8
 5. AG/RES. 2885 (XLVI-O/16)

- ❖ Presentation of the Inter-American Program on Access to Public Information to the CAJP. On this occasion, the DIL distributed a pocket edition of the Inter-American Program and referred to the main aspects of its content as well as to the future actions that will be promoted in its monitoring work. To facilitate communication with the State agencies or those institutions in charge of the issue in each country, the DIL asked the permanent missions to designate a focal point. (March 2, 2017)
- ❖ Commemoration of the International Day for the Universal Access to Information; the DIL published two newsletters commemorating September 28, 2002, the date on which activists throughout the world met in Bulgaria to define strategies for promoting and disseminating the right to access to public information. ([September 28, 2017](#) and [September 28, 2018](#)).
- ❖ Preparation of inputs for updating the Model Access to Information Law, in consult with the Focal Points of the Inter-American Program and civil society, taking into consideration the most recent regional and global developments on access to public information. These inputs were obtained through the following activities:
 - Drafting of a questionnaire and distributing it to the Focal Points of the member states and representatives of civil society organizations to mark the beginning of a consultation process on updating or expanding the Model Inter-American Law on Access to Information. (October 2017)
 - Workshop I: Model Law on Access to Information 2.0, organized by the DIL in partnership with EUROsociAL and institutional support from Chile's Transparency Council and the Network for Transparency and Access to Information. This activity gathered together the Focal Points of the Inter-American Program on Access to Public Information, civil society representatives, the public sector, and academia with the aim of identifying the thematic areas in which it would be necessary to update or expand the Model Law. (April 16 and 17, 2018, Santiago, Chile)
 - Workshop II: The Gender Perspective in the Model Law on Access to Information 2.0, organized by the DIL in partnership with EUROsociAL and institutional support from the National Institute on Transparency, Access to Information, and Protection of Personal Data (INAI) of Mexico and the Network for Transparency and Access to Information. Participants included more than a dozen experts from watchdog bodies and specialists on access to information and gender from Chile, Colombia, Costa Rica, El Salvador, Mexico, and Uruguay, as well as experts from INAI and EUROsociAL. The objective of the workshop was to generate international input on inclusion of the gender perspective and the use of inclusive language in the Model Law 2.0 document. (May 17, 2018, Mexico City)
 - Workshop with Civil Society Organizations, organized by the DIL, Universidad de los Andes, and Article 19 in the framework of the celebration of the International Day for the Universal Access to Information. This activity was exclusively dedicated to collecting input from SCOs. It included the participation of 40 representatives of 26 SCOs to analyze the following issues, in both plenary sessions and working tables:

extra-State bodies, revision of categories for active transparency, regimen of exceptions, gender and access to information, and watchdog bodies. This enabled the preparation of specific recommendations that were taken into account in the proposal of texts the DIL was preparing. (September 26, 2018, Bogotá, Colombia)

- Workshop III: Model Law on Access to Public Information 2.0, organized by the DIL with support from EUROsociAL, the RTA, and the Ministry of Justice of Paraguay. It included the participation of senior representatives from watchdog agencies from Argentina, Bolivia, Brazil, Chile, El Salvador, Honduras, Mexico, Panama, Peru, Paraguay, and Uruguay, as well as the president of the Legislative Assembly of Costa Rica and the Human Rights Ombudsperson of Guatemala. (November 5 and 6, 2018, Asunción, Paraguay).

The results of these activities were incorporated into a document on the update of the Model Law that was submitted to the CJI in February 2019.

- ❖ Support for the special meeting of the Committee on Juridical and Political Affairs (CAJP) on access to public information, providing legal advisory services and logistical support for its organization. During that meeting, the national reports on progress toward implementing the Inter-American Program on Access to Public Information were presented, and good practices were exchanged. (January 25, 2018)
- ❖ Coordination of the Meetings of the Focal Points of the Inter-American Program on Access to Public Information, making use of the presence of the Focal Points in the special meeting of the CAJP to collectively move forward on the implementation of that program and explore opportunities for joint cooperation. At that time, the DIL gave a presentation on the activities carried out in developing that Program. (January 25, 2018)
- ❖ High-Level Workshop on Access to Public Information, organized by the DIL with the Institute on Access to Public Information of Honduras. The activity brought together more than 70 participants from distinguished public institutions and organizations to analyze Honduras's legal framework on access to public information and protection of personal data through interactive sessions and working tables. A forum for reflection was established for the analysis, and recommendations were prepared aimed at fine-tuning the current legal regime and examining ways of continuing to make progress in this area. (October 9 and 10, 2018, Tegucigalpa, Honduras)

B. Protection of Personal Data

Mandates:⁶

1. With the collaboration of civil society and other social actors, continue supporting the efforts of member states requesting support on taking legislative and other appropriate measures to guarantee the protection of personal data in

6. AG/RES. 2927 (XLVIII-O/18) Section iv; AG/RES. 2926 Section I paragraph i; (XLVIII-O/18); AG/RES. 2905 (XLVII-O/17), Section IX; AG/RES. 2885 (XLVI-O/16) Section B; AG/RES. 2886 (XLVI-O/16); AG/RES. 2842 (XLIV-O/14) paragraph 7

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- accordance with their domestic legislation and consistent with their international obligations and commitments
 2. Promote exchanges of experiences and practices that protect the confidentiality of personal data.
 3. In its capacity as permanent observer, support the work of the IberoAmerican Network for the Protection of Personal Data (RIPD: Red Iberoamericana de Protección de Datos Personales), and actively participate in the global conferences of the Committees on Privacy and the Protection of Personal Data.
 4. Support the CJI in the updating of the Principles on the Protection of Personal Data, taking into account their development.
 5. Disseminate the work of the CJI on the principles regarding privacy and the protection of personal data.
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In compliance with its mandates and in its capacity as a Permanent Observer to the IberoAmerican Network for the Protection of Personal Data (RIPDP), the DIL:

- ❖ Participated in the Annual Meeting of Personal Data Protection Authorities, organized by the RIPDP under the auspices of the Agency for the Protection of Data of the Residents of Costa Rica. This activity included the participation of 30 watchdog bodies and specialists on the protection of personal data from nine countries. The main conclusions include the need to update models to comply with and supervise the application of regulations for the protection of personal data, as well as the need to change traditional administrative models and move toward models based on proactivity, default privacy by design, and diligence in guaranteeing the rights of citizens. (November 28, 29, and 30, 2018, San Jose Costa Rica)
- ❖ Participated in the Digital Transformation Meeting, organized by the Agency on E-Government and Information and Knowledge Society (AGESIC), specifically in the panels on "Open Data: Redoubling the Commitment to Transparency," "Global Perspectives on the Protection of Personal Data," and "The Role of Regulation in Guaranteeing Privacy." (August 21-23, 2017, Montevideo, Uruguay)

C. Business, human rights, and the environment

Mandates:⁷

1. Prepare a report on the special meeting that the CAJP will hold during the first quarter of 2018, covering a broad agenda touching on national practices—including legislation and case law—and regional and global multilateral initiatives, including reports on this issue by the CJI and the IACHR.
 2. Support the CJI in the compilation of good practices, initiatives, legislation, case law, and challenges that can be used as a basis for identifying alternatives for addressing the issue before the Permanent Council.
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7 AG/RES. 2909 (XLVII-O/17); AG/RES. 2887 (XLVI-O/16) paragraph (ii)

3. Disseminate the work of the CJI, including the reports on business and human rights.

The DIL conducted the following activities to promote the development of international law applicable to human rights and its relationship with business activities and environmental protection:

- ❖ It provided support and legal advice on the preparation of the special meeting of the CAJP on human rights in business, to be held on March 7, 2019.
- ❖ In its capacity as Technical Secretariat of the CJI, it drew up the document “Compilation of Good Practices, Initiatives, Legislation, Jurisprudence and Challenges to Identify Alternative Ways to Address the Social Responsibility of Companies in the Continent.”⁸ This document provided input for the report approved by the CJI⁹ on March 9, 2017, which will later be sent to the Permanent Council.

D. Protection of Cultural Heritage

Mandates:¹⁰

1. Support the CJI in the analysis of existing legal instruments related to the protection of Cultural Heritage both in the inter-American system and internationally.
 2. Disseminate the work of the Inter-American Juridical Committee (CJI), including the reports on cultural heritage.
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Since 2016, the General Assembly, concerned at the loss of cultural heritage to destruction, looting, and the illegal trade in cultural heritage, entrusted the CJI with analyzing the existing legal instruments related to the protection of cultural heritage, both in the inter-American system and internationally, in order to strengthen the inter-American legal order in this respect.

In its capacity as the Technical Secretariat of the CJI, the DIL provided support to this advisory body for the preparation of the “Support Document on Cultural Heritage: Universal and Regional Instruments and Examples of Bilateral Instruments,” which served as the basis for the study of the issue by the Committee. The CJI also conducted an analysis of regional and universal legal instruments, proposed further development of national legislation, and invited member states to establish mechanisms of cooperation to facilitate implementation of existing instruments on the issue, as well as develop a “User’s Guide” that makes it possible to implement treaty instruments and soft law instruments, including the design of strategies for

8. DDI/doc.03/17

9. CJI/doc.522/17 rev. 2

10. AG/RES. 2909 (XLVII-O/17) Section I, paragraph 2; AG/RES. 2886 (XLVI-O/16), Section vi; 2660 paragraph b)

recovering and restoring cultural assets.¹¹ As a result of this process, during its 90th regular session, the CJI adopted a resolution entitled "[Cultural Heritage](#)."¹² (March 9, 2017)

Both the resolution and the CJI report were sent to the Permanent Council for its consideration on March 17, 2017.

E. Public Defense and Access to Justice

Mandates:¹³

1. During the first quarter of 2017, hold the fifth special session of the CAJP on the methods used by public defense institutions in the region to prevent torture and other cruel or degrading punishment or treatment.
 2. During the first quarter of 2018, hold the sixth special meeting of the CAJP on the good practices employed by the public defense institutions of the region aimed at the comprehensive application of the Brasilia Regulations Regarding Access to Justice for Vulnerable People
 3. During the first quarter of 2019, hold the seventh meeting of the CAJP on the mechanisms employed by the public defense institutions of the region to monitor detention centers.
 4. Continue collaborating with the AIDEF on training public defenders on the different aspects that contribute to improving access to justice.
 5. Disseminate the Principles and Guidelines on Public Defense in the Americas, approved unanimously by the CJI.¹⁴
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Since 2011, the General Assembly has been adopting important resolutions to support the work done by public defenders in the States of the Hemisphere and protect the right to access to justice for all people, especially for people in particularly vulnerable situations. In this regard, during the period covered by this report, the DIL has continued these efforts through the following activities:

- ❖ Supported the preparations for the special meetings of the CAJP on a number of topics of interest to public defenders in the region:
 - Fifth meeting of the Committee on Juridical and Political Affairs (CAJP) devoted to analyzing ways of preventing torture and other cruel or degrading treatment or punishment. In this framework, the DIL made a presentation on the "Principles and Guidelines on Public Defense in the Americas," approved by the CJI, which address four specific themes: i) access to justice, ii) the work of public defense in connection with that access, iii) the

11. CJI/doc.527/17 rev. 2

12. CJI/RES. 233 (XCI-O/17)

13. AG/RES. 2928 (XLVIII-O/18) section II. Paragraph 2; AG/RES. 2909 (XLVII-O/17) Section I, paragraph 2; AG/RES. 2908 (XLVII-O/17) section II. Paragraph 2; AG/RES. 2887 (XLVI-O/16) section ix, paragraph 2; and 2660 b) and j)

14. CJI/RES. 226 (LXXXIX-O/16)

characteristics that public defenders must possess in the region, and iv) the work that States must do to strengthen these institutions. (March 16, 2017)

- Sixth Special Meeting of the Committee on Juridical and Political Affairs on Autonomous Official Public Defenders as a Guarantee of Access to Justice for Vulnerable Groups, during which the DIL presented a report on the activities conducted over the previous 10 months, emphasizing the multiple meetings held with the AIDEF to explore the best way to disseminate the Principles and Guidelines on Public Defense in the Americas. (April 5, 2018)
- Seventh special meeting on mechanisms for monitoring detention centers used by government public defenders in the region, scheduled for April 4, 2019.
- ❖ In the framework of the Cooperation Agreement signed on November 4, 2011, by the SG/OAS and the Inter-American Association of Public Defender Offices (AIDEF), a training workshop was held on legal aid for victims that saw the participation of at least 40 officials from government agencies, universities, and civil society from El Salvador, Honduras, and Guatemala who are involved in providing free legal aid. (November-December 2017)
- ❖ The DIL provided support and advisory services for the series of workshops on enhancing access to justice organized by the Department of Public Security of the OAS by giving presentations on the regional legal framework for supporting victims and international standards on access to justice. (Guatemala City, Guatemala, November 27-28, 2018; Tegucigalpa, Honduras, November 30-December 1, 2018; San Salvador, El Salvador, December 4-5, 2018)

F. International Contracts

Mandate:¹⁵

1. Provide ongoing support to the CJI on made with the items on its agenda, such as matters related to the law applicable to international contracts ...
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In its capacity as the Technical Secretariat of the CJI, the DIL has offered support to the rapporteur on the issue for the preparation of a “Guide on the Law Applicable to International Commercial Contracts in the Americas,” incorporating input from more than 40 experts, international organizations, and bar associations. The Guide was approved by the CJI during its 94th regular session in February 2019. One of its main objectives is to provide input for legislators reviewing the domestic legal regime in their country applicable to international commercial contract law, as well as provide input for courts resolving conflicts involving such contracts and for the parties to contracts. (February 22, 2019)

15. AG/RES. 2926 (XLVIII-O/18), section I, part (i), para. 1.

G. Simplified Corporations

Mandates:¹⁶

1. Disseminate the Model Law on the Simplified Corporation.
 2. Provide those member states that so request with all collaboration and support necessary to adopt, in accordance with their domestic laws and regulatory framework, those aspects of the Model Law on the Simplified Corporation that are in their interest.
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In 2017, the General Assembly of the OAS took note of the Model Law on the Simplified Corporation approved by the Inter-American Juridical Committee and asked the DIL to disseminate it as broadly as possible. In the framework of that mandate, the DIL:

- ❖ Asked that each member state consider designating a focal point to establish a channel of communication between the OAS and the offices, ministries, or agencies responsible for modernizing legislation on corporations and simplifying the incorporation of businesses. Through this mechanism, it sought to establish a network for effective dissemination of this Model Law throughout the Hemisphere and exchange lessons learned over the course of its implementation. So far, five States have designated focal points (Argentina, Brazil, Mexico, Paraguay, and Peru) and are working in consultation with the DIL on the best approach possible. (September 2018)
- ❖ It made a presentation during the first joint conference of the Canadian Association of International Development Professionals (CAIDP) and the Canadian Council on International Law (CCIL) entitled “Gender Equality: Inclusive Government and the Law,” on the use of the tools developed most recently within the OAS—specifically, the Model Laws on the Simplified Corporation and Secured Transactions—that facilitate the incorporation of businesses and access to credit for MSMEs, a disproportionate majority of which are owned or operated by women. (January 22, 2018, Ottawa, Canada)
- ❖ In its capacity as the Technical Secretariat of the CJI, it prepared a document entitled “Progress on the Model Law on the Simplified Corporation: Initial report on the status of reforms in the region,”¹⁷ which offers a general overview of the laws on incorporating businesses in OAS member states and the status of reforms in the Americas. It also included a draft questionnaire for States to conduct self-evaluations. (February 15, 2018)
- ❖ Participated in the Ninth ASADIP Conference, the theme of which was “International business activities,” by making a presentation on how the Model Law on the Simplified Corporation can help formalize the informal sector, and thereby improve a country’s and a region’s competitiveness. (November 2017, Bogotá, Colombia)

16. AG/RES. 2909 (XLVII-O/17) section I; paragraph 2 i; AG/RES. 2906 (XLVII-O/17) paragraphs 2, 3, and 4

17. DDI/doc. 2/2018

H. Secured Transactions

Mandates:¹⁸

1. Continue promoting the Model Law on Secured Transactions among member states.
 2. Promote among member states further development of private international law, in collaboration with organizations and associations engaged in this area, including the United Nations Commission on International Trade Law, The Hague Conference on Private International Law, and the American Association of Private International Law.
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In compliance with its mandates and with the aim of contributing to the development of MSMEs—particularly those operated by people who face systemic obstacles to accessing credit—the DIL has continued to work toward the promotion of reforms of the legal framework on secured transactions law reform in the Hemisphere in collaboration with other organizations engaged in this area. In this framework, the DIL:

- ❖ Participated in the Second Conference on International Coordination of Secured Transactions Law Reforms: Advancing Global Reforms and Building a Uniform System, which was also attended by the main organizations that work on the issue of secured transactions: UNCITRAL, the World Bank/IFC, UNIDROIT, EBRD, ADB, NATLAW, INSOL, and others. Participation by the Department in this event was an important way to strengthen institutional relationships and to signal continued commitment of the OAS to future interorganizational collaboration in promoting secured transactions law reforms among member states. (October 16-17, 2018)
- ❖ Made efforts to compile and publish a book on the Model Inter-American Law on Secured Transactions. Conversations have been held with the Universidad de Cádiz, and experts were identified from several States who are in the process of completing reports on the course of the reforms in their States or on an issue within the Model Law they have been directed to address. The search has begun for a publisher, with plans to finish and publish the book by the end of 2019.

18 AG/RES. 2909 (XLVII-0/17) part I, section i, paragraph 2; AG/RES. 2886 (XLVI-0/16), part I, section iv, paragraph 2

I. Electronic Warehouse Receipts for Agricultural Products

Mandates:¹⁹

1. Support the CJI in the update of its 2016 report on principles for electronic warehouse receipts for agricultural products in light of the new developments, since those principles were adopted, in connection with access to credit in the agricultural sector.
 2. Disseminate the Principles On Electronic Customs Receipts For Agricultural Commodities.
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This issue has been on the CJI's agenda since 2012 due to its concern over the lack of access to credit in the agricultural sector. Financing through warehouse receipts makes it possible to use the product in the warehouse as a guarantee, which increases the lender's trust in the ability to recover the loan, creating a significant opportunity for agricultural producers to get access to the resources they need to finance the purchase of inputs. In this way, producers can delay the sale of their products until after the harvest, when prices are generally more favorable.

In its capacity as technical secretariat of the CJI, the DIL has participated in drawing up the CJI report entitled "Electronic Warehouse Receipts for Agricultural Products"²⁰ and has disseminated it to other interested international organizations and associations, including UNCITRAL, UNIDROIT, the United Nations Food and Agriculture Organization ("FAO"), the World Bank Group, and the Kozolchyk National Law Center.

J. Private International Law

Mandates:²¹

1. Promote among member states further development of private international law, in collaboration with organizations and associations engaged in this area, including the United Nations Commission on International Trade Law, The Hague Conference on Private International Law, and the American Association of Private International Law.
 2. Promote greater development of private international law in collaboration with agencies and organizations that work in this area.
 3. Hold meetings of professors of public and private international law from time to time to further the study, development, and teaching of law in the inter-American system.
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19. AG/RES. 2926 (XLVII-O/18), Part I, section i, paragraph 2; AG/RES. 2909 (XLVII-O/17) Part I, section i, paragraph 2; AG/RES 2886 (XLVI-O/16), section i, paragraph 3) and 2852 II. 12

20. CJI/doc.505/16 rev. 2

21. AG/RES. 2926 (XLVIII-O/18); section i, paragraph 1; AG/RES. 2909 (XLVII-O/17); AG/RES. 2886 (XLVI-O/16), Part I, section I, paragraph 3

Continuing the OAS's long tradition of harmonizing, codifying, and developing private international law, from the Specialized Conferences on Private International Law (CIDIPs) to the current developments, the DIL has conducted the following dissemination activities:

- ❖ During the 51st Annual Session of the United Nations Commission on International Trade Law (UNCITRAL), the DIL presented a report on the recent activities of the OAS in the area of international trade law. At that time, DIL officials also discussed with their peers from other organizations collaboration on specific issues, including simplified incorporation, secured transactions, and warehouse receipt financing. (July 5, 2018, New York, United States)
- ❖ At the invitation of the George Washington University Law School, the DIL made a presentation on Recent Developments in Inter-American Private International Law, providing an overview of the codification process, including initiatives introduced recently by the Inter-American Juridical Committee. (February 21, 2018)

K. International Humanitarian Law

Mandates:²²

1. Continue strengthening cooperation between the OAS and the International Committee of the Red Cross in the area of promoting respect for international humanitarian law, including through special sessions on issues related to international humanitarian law.
 2. Organize, with the collaboration of other institutions, cooperation activities aimed at disseminating legal and political developments in the OAS.
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Since 1999 the DIL has been coordinating activities for the dissemination of IHL in the CAJP, such as organizing special sessions geared to the representatives of the member states and holding courses, workshops, and seminars for the delegations to the OAS, staff members and interested public, which it does with the support of the International Committee of the Red Cross (ICRC), both at OAS headquarters and in the member states. In this framework, the DIL:

- ❖ Made a presentation during the regional meeting of the National Commissions on IHL in the Americas organized by the International Committee of the Red Cross and the Government of Costa Rica to commemorate the 40th anniversary of the Additional Protocols of 1977 and the 20th anniversary of the Convention of 1997. The presentation addressed current regional instruments in the hemisphere on responsible weapons transfers, highlighting the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Material (CIFTA), including its objective, the specific obligations in terms of codification of crimes, weapons labeling, and export licenses or authorizations, as well as the follow-up mechanism provided for under this instrument through the Consultative Committee and its role in drafting model legislation. (May 30-31, 2018)

22. AG/RES. 2926 (XLVIII-O/18) section ii, paragraph 7; AG/RES 2660 (XLI-O/11) paragraph d)

- ❖ It supported and provided legal counsel to the CAJP in the organization of the special meeting on issues of international humanitarian law, held on January 24, 2019, describing the CJI's work in the field of international humanitarian law, covering such topics as cybersecurity (currently on its agenda), cultural property in the event of armed conflicts (on which the CJI adopted a model law), and regulating the use of force and the protection of persons in situations of internal violence that do not amount to armed conflict.

For their part, member states made presentations on action taken by the national institutions responsible for implementing international humanitarian law. Two issues were the subject of particular focus: "Explosive weapons in populated areas" and "New technologies: automatic weapons and hostilities in cyberspace," for which ICRC legal advisors were on hand.

L. International Criminal Court

Mandate:²³

1. Strengthen the cooperation between the OAS and the International Criminal Court in the area of international criminal law.
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Since 2003, the General Assembly of the OAS has adopted resolutions urging Member States to sign and ratify the Statute of the International Criminal Court. In 2011, the General Secretariat of the OAS exchanged letters with that body on joining forces to promote the Court. In the framework of these commitments, the DIL:

- ❖ Provided legal support and counsel to the CAJP for organizing the tenth working meeting on the International Criminal Court, held on March 15, 2018. The International Criminal Court's Deputy Prosecutor participated in that session, where he spoke about State responsibility and the need to implement domestic laws, among other things. He observed that the challenges facing the Court included tampering with witnesses and victims; the system's lack of universality; complaints that have implications for the timely handling of the cases; and the issue of cooperation.

The DIL made a presentation on activities to promote international law carried out by the Department as one of the main forms of implementing the "exchange of letters for establishing a cooperation agreement with the International Criminal Court" of April 18, 2011. Also participating in the session were the Secretariat of the Court, Parliamentarians for Global Action, the International Criminal Court, the International Committee of the Red Cross, and the Board of Directors of the Court's Trust Fund for Victims.

- ❖ An informal meeting was held on developments in the promotion of international law and cooperation with the International Criminal Court with officials of the International Criminal Court, international bodies, and nongovernmental organizations, including parliamentarians for global action, the Coalition for the International Criminal Court, the ICRC, and Human Rights Watch. (March 15, 2018)

23. AG/RES. 2909 (XLVII-0/17) part I, section iii, paragraph 4

M. Course on International Law

Mandates:²⁴

1. Reinforce administrative and budgetary support for the CJI and for the Course on International Law that the CJI organizes annually in Rio de Janeiro and its Technical Secretariat, the Department of International Law.
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The Course on International Law has been organized annually since 1974 by the Inter-American Juridical Committee and the Department of International Law of the Secretariat for Legal Affairs (SLA) of the OAS. It currently lasts three weeks and is held in the city of Rio de Janeiro, Brazil, generally in the month of August. The subjects taught include a broad array of legal issues from international courts. The aim is to train attorneys by providing them with a comprehensive overview of the most important issues in international law and, particularly, in the inter-American system. As the course's coordinator, the DIL:

- ❖ Organized the 44th Course on International Law, held July 31 through August 19, 2017, with 43 students and 17 instructors. The Professional Development Scholarships Program of the OAS provided 20 scholarships to facilitate participation by the students.
- ❖ Organized the 45th Course on International Law, held August 6 through 24, 2018, with 46 students and more than 15 instructors. Twenty of the students had financial support arranged directly by the DIL.
- ❖ Published and distributed publications corresponding to the 43rd and 44th editions of the Course on International Law, which compiled the classes offered in the form of essays or articles, providing a valuable resource for studying international law and testifying to the academic quality of this activity. Both publications are available free of charge from the DIL's digital library. (May 2017 and May 2018, respectively)
- ❖ Coordinated and prepared the publication of the 45th Course on International Law, which includes contributions from 14 instructors. It is expected to be ready in May 2019.

N. Dissemination of International Law

In compliance with the mandates of the Inter-American Program for the Development of International Law, during this period, the DIL conducted a series of activities to disseminate international law and the inter-American system. In this regard, the DIL:

- ❖ At the invitation of the Diplomatic Academy of Chile, gave courses on the Inter-American system to 31 diplomats, 14 of them Chilean and 17 from other countries in Latin America and the Caribbean, as well as Nigeria and Azerbaijan. The courses given over a week covered issues such as the origin of the inter-American system, the structure and functioning of the OAS, democracy in the region and electoral observation missions and

24. AG/RES. 2926 (XLVIII-O/18), section I part I) subparagraph 3; AG/RES. 2909 (XLVII-O/17), section I part ii) subparagraph 2.

other observation missions, the legal developments of the inter-American system through model laws and legislative guides, and issues of international legal cooperation. (October 22-26, 2018)

- ❖ Participated in one of the most important events on arbitration in the Caribbean region, Arbitration Week 2018, with the theme “Arbitration on the Move: Framework, Industries and Economic Development.” The meeting, organized by the Jamaica International Arbitration Center (JAIAC), was characterized by the exchange of knowledge, experiences, and good practices among internationally recognized arbitrators, specialists, and academics, students, and others interested in international arbitration, from the public and private sectors of over 15 countries. The DIL gave a presentation on the Inter-American Convention on International Commercial Arbitration—known as the Panama Convention and signed in that country on January 30, 1975—highlighting its content, historic importance for the region, and current application. The event also served as an opportunity to release a draft of the report entitled “The Role of the Judiciary in the Enforceability of International Arbitration Awards,” which the DIL has been preparing for several years. (June 24-30, 2018)
- ❖ Participated in a seminar entitled International Law and Peace Agreements in the Lauterpacht Centre for International Law at the University of Cambridge, making a presentation on the treaties regime in the inter-American system. (Cambridge, England, April 12-14, 2018)
- ❖ Gave a presentation on the inter-American system (videoconference) for law students at McGill University in Montreal, Canada. (April 3, 2018)
- ❖ Participated in the 12th Conference of the American Association of Private International Law (ASADIP) in Santa Cruz, Bolivia, held in collaboration with the Universidad Católica Boliviana San Pablo, the central theme of which was “The Family.” The DIL gave a presentation during a panel discussion on “International Legal Cooperation in Civil Procedure as a Tool for the Protection of Families.” This included an overview of OAS instruments that have been developed to address these issues, namely, the Inter-American Conventions on Conflict of Laws Concerning the Adoption of Minors (1984); International Return of Children (1989); Support Obligations (1989); and International Traffic in Minors (1994). It also analyzed efforts undertaken to encourage and facilitate international legal cooperation, such as the Family Law Network. (November 8 and 9, 2018).
- ❖ Participated in a seminar entitled “New Rights in the 21st Century” organized by the school of law of Tallinn University (Estonia), where it gave a talk on the efforts by member states of the OAS to establish a binding instrument recognizing the human rights of older adults under the Inter-American Convention on Protecting the Human Rights of Older Persons. (Tallinn, Estonia, September 20-22, 2017)
- ❖ Participated in the Fourth Annual Externship Fair of Georgetown University Law Center, speaking to students on the work of the OAS on international law and providing information on opportunities to participate as a DIL extern during their studies. (September 26, 2018)

- ❖ Coordinated the negotiation and signing of an agreement between the General Secretariat of the OAS and the American Bar Association that establishes the formal framework under which the institutions will work together to promote the rule of law and the dissemination and development of international law within the inter-American system. The activities provided for under the auspices of the Inter-American Program for the Development of International Law include legal cooperation projects for training attorneys and other legal professionals; various types of legal research and research on comparative law; joint organization of and participation in conferences, seminars, roundtables, and other events aimed at promoting dialogue. (October 26, 2017)
- ❖ Prepared a factsheet on the DIL's work in the area of Private International Law, as well as a fact sheet on the DIL's work in the area of Public International Law. Both factsheets have been published in Spanish and English and distributed electronically, as well as used to enhance DIL participation in a number of activities. (September 2018)

O. Agreements and Treaties

Mandates:²⁵

1. Maintain and update the DIL web page on treaties and agreements, disseminating it widely.
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The DIL serves as the depository of inter-American multilateral treaties and the instruments of ratification that the Charter of the Organization delegates to the General Secretariat (Article 112(f)). It also serves as depository for the bilateral agreements entered into by the organs of the OAS with the States of the Americas and with other inter-American agencies or national institutions of the member and observer countries. In this regard, the DIL has handled the following procedures:

- ❖ Nine processes to deposit ratification instruments: three deposits corresponding to the Inter-American Convention on Protecting the Human Rights of Older Persons (Argentina, Chile, Bolivia); two on the Inter-American Convention against all Forms of Discrimination and Intolerance of June 5, 2013 (Antigua and Barbuda and Uruguay); one related to the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance adopted on the same date (Uruguay); one related to the Inter-American Convention against Corruption of March 29, 1996 (Barbados); one regarding the Inter-American Convention on Serving Criminal Sentences Abroad of June 9, 1993 (Suriname); and one on the Convention on Rights and Duties of States of December 26, 1933 (Paraguay).
- ❖ Two processes to deposit the instrument of accession: one regarding the Inter-American Convention on Protecting the Human Rights of Older Persons of June 15, 2015 (El Salvador), and the other regarding the Convention on Extradition of December 26, 1933 (Kazakhstan).
- ❖ One process to deposit a denunciation: On April 28, 2017, the Secretary General of the Organization received from the Bolivarian Republic of Venezuela a note dated April 27,

²⁵ AG/RES 2660 (XLI-O/11) paragraphs a) and b)

2017, stating its decision to denounce the Charter of the Organization of American States in the terms set forth therein.

- ❖ Four signing processes: three corresponding to the Amendment of the Inter-American Convention on an International Amateur Radio Permit, adopted on June 4, 2018 (Dominican Republic, Argentina, and Chile), and one signing of the Inter-American Convention against all Forms of Discrimination and Intolerance adopted on June 5, 2013 (Mexico).
- ❖ Six notification processes related to states of emergency: this information appeared on the webpage at the time the parties were notified, in compliance with the American Convention on Human Rights.
- ❖ Preparation of notes with information on central authorities regarding the following instruments: Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials of 1997 (Chile); Inter-American Convention against Corruption of 1996 (Chile); Inter-American Convention on Serving Criminal Sentences Abroad of June 9, 1993 (Suriname, Panama); Inter-American Convention on Mutual Assistance in Criminal Matters of 1992 (Chile, Ecuador); Inter-American Convention on Support Obligations of 1989 (Peru); Inter-American Convention on the Taking of Evidence Abroad of 1984 (Chile, Peru); the Additional Protocol to the Inter-American Convention on Letters Rogatory of 1979 (Chile, Peru); Inter-American Convention on Execution of Preventative Measures of 1979 (Peru); Inter-American Convention on Letters Rogatory of 1975 (Chile, Peru); and Convention on Extradition of 1933 (Kazakhstan).

Also, a variety of certifications were prepared, and updated and complete information was provided on procedures, texts, and signing and ratification statuses of the inter-American instruments —both bilateral and multilateral— deposited with the OAS.

Regarding bilateral agreements, 120 cooperation agreements were entered into by the General Secretariat, which are being digitized in PDF format for inclusion on the Department's web page.

P. Newsletters and Web Page

Mandates:²⁶

1. Continue maintaining and updating DIL's web page on treaties and agreements, disseminating it more widely.
 2. Promote dissemination of legal matters through publications and newsletters.
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❖ Newsletters

In order to disseminate its activities as widely as possible, and to establish more direct contact with those who tend to take interest in the DIL's activities, in 2017, the DIL reinitiated the periodic publication of newsletters, which are distributed to the permanent missions, the General Secretariat, and the National Offices, as well as the more than 2,800 subscribers found

26. AG/RES 2660(XLI-O/11) paragraphs a), b), g), h), and i)
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in the database that has been created by the DIL for this purpose. During the period covered by this report, 90 newsletters were distributed.

The hiring of an e-mail service provider has streamlined distribution of our newsletters and made it easier to conduct a detailed analysis of our users, their interests, and their preferences, which has in turn enabled us to adapt and adjust, in terms of both the content of DIL webpages and releases and our strategy for disseminating documents.

❖ Website

The website the DIL maintains has proven to be a very useful tool for promoting and disseminating international law. It has highly varied information which, among other things, includes issues relating to the work of the political organs of the OAS, the CJI, and the DIL on various matters. This site also disseminates information on the various activities for promoting and disseminating international law carried out by the DIL in the context of specific projects and programs, as well as information on courses, special events, and fellowships.

At the same time, the web site is an important means of accessing documentary resources of the OAS, for example on treaties, General Assembly resolutions, model laws, cooperation agreements, both multilateral and bilateral, and other instruments of the inter-American system.

In light of the role the DIL plays as Technical Secretariat of the CJI, a page is dedicated exclusively to disseminating the work of that body. Its work is described in detail, along with its composition, members, current agenda, working documents, resolutions, annual reports, etc.

The following is a complete list of the webpages maintained by the DIL on its website, which is constantly updated with the most recent progress in each of the areas on which the Department focuses its work:

Number of Web Pages by Thematic Area	
Access to Justice	12
Access to Public Information	259
Bilateral Agreements	90
International Commercial Arbitration	62
Newsletters	375
Inter-American Juridical Committee	60
International Criminal Court	16
Course on International Law	39
International Law	20
International Humanitarian Law	19
Private International Law	60
Human Rights in Business	6
Human Rights, Sexual Orientation, Gender Identity	6
Secured Transactions	38
Publications	242
Protection of Personal Data	112

<u>Racism, Discrimination and Intolerance</u>	20
<u>Electronic Receipts</u>	1
<u>Refugees and Stateless Persons</u>	30
<u>Multilateral Treaties</u>	630
TOTAL PAGES	2097

II. The Program in Figures

Due to the nature of the work of the DIL, it is difficult to quantify the scope and impact of the activities conducted during the period covered by this report. However, the following are some figures that help give a general idea of the scope of these efforts and the results achieved.

This is without prejudice to the incommensurable value implicit in a Program with characteristics like this one, the activities of which often have an intangible value—for example those with a strong education or training component, or the support that is offered to legislative reform processes, which may take several years to produce a specific outcome, such as the adoption of a law.

As can be observed in this section, as a direct result of the implementation of the Program over the biannual period covered by this report, the DIL has done and disseminated its work not only during the above-described activities and events but also using electronic media to increase the accessibility of the reports, studies, essays, conventions, treaties, agreements, newsletters, model laws, resolutions, and laws that constitute the legal work of the Organization and the wealth of legal resources.

A. DIL publications

The virtual library of the Department of International Law at present has approximately 45 publications. All of them are free, and some of them have been published in the format of an e-book, which enables users to perform searches in the document itself, make notes in the margins, and highlight texts of interest.

PUBLICATIONS (April 2017 to February 28, 2019)		
Title	Format	Print copies
1. <u>44th Course on International Law (2017).</u>	E-book and print	150
2. <u>43rd Course on International Law (2016).</u>	E-book and print	100
3. Flier: Public International Law (English)	PDF and print	100
4. Flier: Public International Law (Spanish)	PDF and print	100
5. Flier: Private International Law (English)	PDF and print	100
6. Flier: Private International Law (Spanish)	PDF and print	100
7. Inter-American Program on Access to Public Information (pocket edition)	print	150
8. Report of the Inter-American Program for the Development of International Law (Spanish)	print	70
9. Report of the Inter-American Program for the Development of International Law (English)	print	50

B. DIL contributions to external publications

As part of its international law dissemination activities, and in keeping with the mandates it has received this regard, the DIL has prepared articles for inclusion in publications by other institutions. During this period, the DIL's contributions have appeared as follows:

- “The Inter-American Convention on Protecting the Human Rights of Older Persons,” in *The Cambridge Handbook on New Human Rights: Recognition, Novelty, and Rhetoric* (edited by Andreas von Arnould, Kerstin von der Decken, Mart Susi). Cambridge University Press, Luis Toro Utrillano, author (publication expected in the first quarter of 2019).
- “The Simplified Joint Stock Corporation: A New Structure for Doing Business in the Americas?” in *Agenda Internacional*, XXIV, No. 35, 2017, (pp. 137-170). (January 2018)
- “Ley Modelo sobre Sociedades por Acciones Simplificada: Reiteración de Éxitos,” in *La SAS y su influencia en América Latina. 10 años de un modelo exitoso*. Francisco Reyes Villamizar (coordinator), Bogotá Chamber of Commerce and Legis. (2018).
- “Model Law on the Simplified Corporation: Replicating Successes,” in *The Colombian Simplified Corporation: A Comparative and Functional Perspective*. Francisco Reyes Villamizar. Editorial Temis S.A. (2018)
- “Developments in Central, South America and Mexico,” in *Commentaries on Private International Law 2016*, American Society of International Law, Private International Law Interest Group (pp. 16-20). (November 2017)
- “Regional Codification of the Corporate Form: A Contribution towards Hemispheric Integration and Economic Development,” in *La Actividad Internacional de la Empresa. Jornadas ASADIP 2017*, Ed. Paula M. All, Jorge Oviedo Albán, Eduardo Vescovi. (pp. 346-357) (November 2017).
- “Brazilian Appellate Decision Renews Interest in Bustamante Code,” in *International Judicial Monitor*, (Otoño 2017) Issue (pg. 1).

C. DIL Web Site

As we have mentioned, the DIL's website is an extremely useful tool and one of the Organization's most visited. During the biannual period covered in this report, it received more than 1,287,256 visits. This is an average increase of approximately 6,656 monthly visits compared to the period covered in the previous report. This increase is partly the result of the activities conducted by the DIL, which have generated increasing interest in the substantive work of the Department.

The following table shows our website's most visited pages and their total number of visits during the biannual period.

Page	Visits
Multilateral Treaties	586,522
Private International Law	128,498
International Humanitarian Law	71,298
Course on International Law	36,202
Protection of Personal Data	35,000
Access to Public Information	20,643
Bilateral Agreements	19,779
International Commercial Arbitration	19,466
Human Rights, Sexual Orientation, Gender Identity	13,673
Access to Justice	8,072
International Criminal Court	7,406