

5. RECOMMENDATIONS AND PROPOSALS

Based on the above analysis and the listing of the factors that in our assessment act against strengthening the functions of the Inter-American Juridical Committee designed to provide consulting services and fulfill assignments, the following recommendations and proposals can be formulated:

- a. In the first place, it is essential to state precisely and clearly the functions of the Inter-American Juridical Committee, in particular those meant to provide consulting services and fulfill assignments, bearing in mind the three legal instruments that support them. Beyond any necessary future review of these three instruments, we believe that it is possible – by applying various principles of interpretation quoted in this report – not only to define such functions but also to explain precisely their scope and content, as well as the bodies that can activate them. This report precisely makes a proposal in this sense.
- b. In the second place, it is necessary to disclose the activities and functions (already defined) of the Committee within the Organization, in order to make known the different collaboration possibilities afforded by this consultative body of the OAS. Accordingly, the Committee, through the Secretariat, should send a communication to the Member States and bodies of the OAS specifying the different collaboration possibilities offered to them by the Juridical Committee, clearly defining the scope of its functions and the technical and autonomous nature of its work. Moreover, the drafting of a short document (pamphlet) to be widely disseminated should be contemplated.
- c. In the third place, the Committee needs to act more closely with the Member States and political bodies of the Organization in order to know the topics of concern in which the Committee can participate and debate. Accordingly, an attempt would be made to register the Committee in the agenda of the Organization, developing reports, studies or consultations that are relevant to it. In this sense it would be important for the Chairman and/or Rapporteurs of the Committee to take part in the sessions of the Permanent Council and the Committee on Juridical and Political Affairs of the OAS as far as is possible, not only to mark presence but also to become familiar with the concerns of the Member States that might eventually be addressed by the Committee. The Committee budget should make an annual projection in this respect.
- d. Fourthly, the Committee should have available a mechanism for follow-up on its reports and resolutions within the OAS, which we feel should be entrusted to its Secretariat to guarantee proper diffusion of such matters among the various bodies connected with the topic, and among the Member States of the Organization (in particular, among the Legal Advisory Departments of the Ministries of Foreign Affairs).
- e. Likewise, the Inter-American Juridical Committee should set up an electronic network with universities, professional associations, research institutions and NGOs, on a permanent basis and with a double role: on the one hand to feed information to the Committee on the topics debated in the international agenda that might eventually be of interest to the OAS, and on the other hand to spread the research and reports of the Committee among the international academic community. To this end, the Secretariat could take advantage of the agreements signed by the Committee with academic institutions that are in effect, as well as making contact with the most prestigious international research centers, in order to maintain this electronic exchange of information with the commitment to share it among its members.

This would not only provide feedback to the Committee with updated information on the topics of concern and interest to the International Community but also have a multiplying effect by diffusing the results of its research and reports.

In addition, the Secretariat should keep the members of the Committee informed about national and international academic forums held in different countries of our hemisphere on the topics

that are being researched in order to provide for or at least offer the presence of the rapporteurs of the Committee at such events, or at least access the documents prepared on the subject. This would also afford the Committee more visibility and presence in international academic forums, thereby consolidating its prestige and image outside and within the Organization.

Thus, and without affecting the responsibilities that the Secretariat of the Committee should assume on the matter, we believe that the capacity of initiative of each one of the Members of the Inter-American Juridical Committee will prove vital for the successful fulfillment of the recommendations contained in this paragraph, provided they possess a network of personal and institutional contacts that should be exploited for the benefit of this body of the OAS.

- f. In order to accelerate the work of the Committee, broader and better programming could be established, setting deadlines and/or schedules for delivering final reports which would enable a more timely delivery of results to the requesting body. Moreover, the States' failure to answer the questionnaires distributed by the Committee should not prevent it from continuing with the development of reports, given the capacity of initiative this body has.
- g. It is also important for the Secretariat of the Committee or the Secretariat for Legal Affairs (present at the sessions of the General Assembly and the Permanent Council) to request and ensure that the assignments passed on to the Committee are minimally precise and indicate the desired product so as to facilitate the work of future rapporteurs of the Committee.
- h. Finally, the Committee must use electronic means of communication³¹ more intensively in order make internal consultation in advance, schedule work or future courses of action, coordinate and schedule its reports and contact networks.

* * *

³¹ In this regard we should recall only as reference that the Statutes and Rules of Procedure of the Inter-American Juridical Committee currently allow to change the date of a regular or special meeting by vote, either by mail, cable or any other means of communication (See article 20 of the Statutes and article 17 item c) of the Rules of Procedure).