

DEPARTMENT OF LEGAL AFFAIRS AND SERVICES

The Department of Legal Affairs and Services (DLAS) was created by Executive Order 04-01, of September 15, 2004, by merging the former Secretariat for Legal Affairs with the former Department of Legal Services. The DLAS is composed of the Executive Office of the Director and General Counsel of the General Secretariat, the Office of Inter-American Law and Programs, and the Office of General Legal Services.

The Department's main functions are to provide legal advice and representational services for all the organs of the Organization. It develops, promotes, and implements the Inter-American Program for the Development of International Law, adopted by the General Assembly; supports the follow-up mechanisms for certain inter-American conventions, based on guidelines contained therein and received from the General Assembly; serves as administrative and technical secretariat of the Inter-American Juridical Committee, the OAS Administrative Tribunal, and the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas; acts as a depository and source of information for inter-American treaties and agreements of the OAS and its organs; disseminates, through publications and a web page, information on OAS legal instruments and legal programs; and provides other services related to inter-American legal cooperation. The following is a description of the activities carried out by the DLAS and its offices, including those conducted by the former Secretariat for Legal Affairs and the former Department of Legal Services.

Legal Advisory Services to the Political Organs

To the General Assembly

Advisory services were provided to the plenary and to the General Committee at the thirty-fourth regular session of the General Assembly, held in Quito, Ecuador, and to the Preparatory Committee in Washington, D.C. The area also participated in the negotiations with the host country and reviewed the respective agreement for the holding of that session.

To the Permanent Council

Apart from a number of opinions on procedural matters, prepared for the meetings of the Permanent Council, most of the DLAS's advisory services were provided directly to the Chair of the Permanent Council, its committees, and its working groups, as indicated below.

To the Committee on Juridical and Political Affairs (CAJP) and its working groups

The CAJP was advised on the promotion and defense of human rights, particularly in the following areas: strengthening human rights systems pursuant to the Plan of Action of the Third Summit of the Americas; the draft American Declaration on the Rights of Indigenous Peoples (a topic addressed by a specific working group); protecting human rights and fundamental freedoms while countering terrorism; protecting the human rights of all migrant workers and their families (a topic addressed by a working group); study of the rights and the care of persons under any form of detention or imprisonment; prevention of racism and all forms of discrimination and intolerance and consideration of preparation of a draft inter-American convention on the subject; human rights defenders: support for the individuals, groups, and organizations of civil society working to promote and protect human rights in the Americas; and combating the commercial sexual exploitation and smuggling of and trafficking in children in the Hemisphere.

As for congresses and conferences, the DLAS advised the CAJP on such topics as the XIX Pan American Child Congress, the Inter-American Specialized Conference on Private International Law, and the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas. On the subject of the fight against corruption, the DLAS advised the CAJP on issues related to the joint effort of the Americas to combat corruption and impunity, and the follow-up on the Inter-American Convention against Corruption and its program for cooperation. It provided advisory services related to the Inter-American Program for the Development of International Law; promotion of the International Criminal Court; promotion of and respect for international humanitarian law; the Inter-American Program of Cooperation to Prevent and Remedy Cases of International Abduction of Minors by One of Their Parents; and access to public information: strengthening democracy. The DLAS also assisted the CAJP during its examination of the annual reports of the Inter-American Juridical Committee (CJI), the Inter-American Court of Human Rights, and the Inter-American Commission on Human Rights.

To the Committee on Administrative and Budgetary Affairs (CAAP) and its working groups

The DLAS gave the CAAP its opinion concerning the General Secretariat's contractual obligations to the firm of Deloitte & Touche, and advised the working group charged with review and consideration of the report on the reorganization of the General Secretariat. It also prepared a number of provisions of a structural and administrative nature, for inclusion in the program-budget resolution. Salient among these were the amendments to the General Standards and new provisions on fundraising and foundations. Also, working in partnership with the Department of Administration and Finance, the DLAS advised the CAAP about the options available for solving the financial liquidity crisis of July 2004, and participated in the drafting of the final report.

To the Committee on Hemispheric Security (CSH) and its working groups

The DLAS advised the CSH as it worked through its agenda, focusing on the topics of transparency and confidence- and security-building measures in the Americas; the inter-American strategy to combat threats to cybersecurity, with emphasis on the recommendations emanating from the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA); and the fight against transnational organized crime in the Hemisphere. Advisory services were also provided on disarmament and nonproliferation of weapons, with emphasis on the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials.

The DLAS also advised the working groups to review the Statutes of the Inter-American Emergency Aid Fund (FONDEM) and to review the Inter-American Convention to Facilitate Disaster Assistance. The purpose of these groups is to modernize existing inter-American mechanisms for the member states' preparedness for natural disasters and their aftermath.

To other committees and on other activities related to the Permanent Council

The DLAS advised the General Committee and the Special Committee on Inter-American Summits Management and Civil Society Participation in OAS Activities. The Director of the Office of Inter-American Law and Programs served on the High-Level Mission consisting of the Acting Secretary General and the Chair of the Permanent Council which the latter body sent to evaluate the political situation in Nicaragua in October 2004.

To the Inter-American Council for Integral Development (CIDI) and its subsidiary bodies

On a number of occasions, the DLAS advised CIDI's Permanent Executive Committee (CEPCIDI) on rules and regulations. However, the bulk of the work for CIDI during the year was in response to inquiries

from the Inter-American Agency for Cooperation and Development (IACD) in connection with agreements, fundraising, and project execution.

To the specialized agencies and other entities

- The Inter-American Drug Abuse Control Commission (CICAD)

The Department has an attorney assigned almost full-time to assist with the activities of CICAD's Executive Secretariat in the areas of legal development, arms control, money laundering, and transnational organized crime. These activities figure prominently in CICAD's annual report and include, *inter alia*, the following: review of draft domestic legislation on drug-related issues, at the member states' request; meetings with parliamentarians from Central America and Europe on the issue of firearms; the installation of the SALSA arms-control system in four Caribbean countries; participation in United Nations meetings on organized crime and arms control; attendance at the First Conference of the States Parties to the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA); close coordination with the Secretariat pro tempore of its Consultative Committee; legal advisory services to the Group of Experts to Control Money Laundering for review of CICAD's Model Regulations on Money Laundering Control; and review and negotiation of the Executive Secretariat's agreements and contracts.

- The Inter-American Telecommunication Commission (CITEL)

For CITEL, the DLAS prepared draft resolutions and advised its Chair and the various delegations participating in the XIV Meeting of the Permanent Executive Committee of CITEL (COM/CITEL), held in Buenos Aires, Argentina, in December 2004. The questions ranged from procedural matters to financial and administrative issues.

- The Inter-American Commission of Women (CIM)

The Department collaborated with the XXXII Assembly of Delegates of the CIM and answered the various inquiries made by the Permanent Secretariat during the course of the year, including advice on preparation of the draft Statute of the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, "Convention of Belém do Pará." The Statute was approved at the Conference of States Parties held in October 2004. It also explained to the members of the Commission the legal ramifications of Executive Order 04-1, and advised the Executive Secretariat on a number of draft cooperation agreements.

- The Inter-American Institute for Cooperation on Agriculture (IICA)

Under the Cooperation Agreement with the Inter-American Institute for Cooperation on Agriculture (IICA), the Department served as legal advisor at the XXIV Regular Meeting of the Executive Committee, held in San José, Costa Rica, in July 2004. It answered several questions on labor and financial matters and reviewed draft contracts. It also drafted, for the Executive Committee's approval, changes to the provisions of the personnel remuneration system and the IICA Staff Rules.

- The Inter-American Children's Institute (IIN)

The DLAS reviewed and drew up the draft amendments to the Statutes and Rules of Procedure of the IIN and participated in the meetings of its Directing Council in Mexico City in October 2004, where it explained those amendments to the delegations. The changes were approved by consensus. The

Department also answered inquiries from the Director General concerning institutional and labor-related matters and on cooperation agreements.

- The Inter-American Committee against Terrorism (CICTE)

The Department provided advisory services and helped draft the amended Statute and Rules of Procedure. It reviewed cooperation agreements proposed by the Committee's Executive Secretariat.

- The Retirement and Pension Committee and the Rowe Fund Committee

The Department advised the Committee and the Secretary Treasurer of the Retirement and Pension Committee and produced a number of written opinions concerning the application of the Plan and of the Regulations, and on tax- and labor-related issues. It also negotiated the withdrawal of a complaint filed against the Fund concerning an unused insurance policy. It provided legal advice to the Rowe Fund Committee and its Secretariat on the subject of its administration, on the documentation required to make loans, and on the guarantee policy.

- The Justice Studies Center of the Americas (JSCA)

At the request of the Office of the Executive Director of the Justice Studies Center of the Americas (JSCA), a legal opinion was prepared concerning the possibility of establishing a JSCA office in Mexico.

- The Inter-American Defense Board (IADB)

For the IADB and the Permanent Council's Committee on Hemispheric Security, the Department prepared a legal opinion and draft resolutions and statutes for modernization and reform of the IADB. It also provided advisory services on issues related to human resources and fundraising.

Legal Advice and Other Legal Services Provided to the General Secretariat

According to the Correspondence Log that the former Department of Legal Services kept for the year 2004, the DLAS answered, in writing, 734 inquiries from various offices of the General Secretariat, from the political bodies, and from the delegations. Of these, 289 were legal opinions. Some 182 agreements were reviewed. Over 80 percent of these requests came from offices of the General Secretariat. The others came from the political organs and from the permanent missions of the member states to the OAS.

The Department's chief clients for advisory services were the Executive Secretariat for Integral Development, which made 175 inquiries; the Department for Democratic and Political Affairs, accounting for another 108; and the Department of Administration and Finance, which accounted for 98 of the total. The other areas that received more than 10 written responses to inquiries were the Office of the Assistant Secretary General and its various units, which accounted for 45; the Retirement and Pension Committee, with 20; the Inter-American Drug Abuse Control Commission (CICAD), 35; and the Office of the Secretary General's Chief of Staff, 16. The following are some of the more salient examples of these legal consultations and services:

To the Offices of the Secretary General (OSG) and Assistant Secretary General (OASG)

In the first quarter of the year, and at the request of the Secretary General's Office, the Department helped draft an agreement with the Government of Colombia to monitor the peace process in that country. It also

reviewed another agreement with the International Organization for Migration, also intended to serve that peace process.

To facilitate the holding of international meetings in Mexico, the DLAS continued to play a role in the negotiation of the corresponding agreements and in the trust fund set up to administer the resources earmarked to finance those meetings. The Director of the DLAS served as Chair of the Technical Committee that supervised the trust fund; another attorney from the Department was pro-secretary of the Committee. When the trust fund ended, the Department negotiated and prepared an agreement with the Government of Mexico to create a fund to finance fellowships and other cooperative activities with the trust fund's remaining assets.

At the request of one of the permanent missions, the Department prepared and negotiated a cooperation agreement with a university to finance the lectures of the Chair of the Americas. Those lectures will be delivered in 2005.

The Department was always available to provide legal advisory services to the Office of the Acting Secretary General, on different issues having to do with the political bodies and the General Secretariat. At the Acting Secretary General's express request, the DLAS prepared a working paper on the development of policies related to performance contracts.

The DLAS advised the Secretary General and the Acting Secretary General on matters related to the transition and resignation of the Secretary General, his privileges and immunities in the member states, his pension, the powers and title of Acting Secretary General, appointments in positions of trust, and the applicable legal instruments.

Following the guidelines set out by the then Secretary General-elect, the Department prepared, within one week's time, the draft of Executive Order 04-01 on the reorganization of the General Secretariat. Following its publication, the Department worked on polishing it, making changes to it, and then explaining it to the delegations and to the staff.

In response to another request from the Office of the Secretary General, the Department prepared a report, in English and in Spanish, on the activities carried out by the former Department of Legal Services during the 10 years that Secretary General César Gaviria was in office.

For the Office of the Assistant Secretary General (OASG), the Department prepared the legal documents for contracting and payment of consultants to provide services to Haitian Government agencies. It also had a hand in reviewing, negotiating, and finalizing agreements with donors contributing to the special mission in Haiti and, in general, provided legal advice to assist in settling administrative and labor-related matters. When the time came, it also reviewed and negotiated an agreement with the United Nations for the Haitian elections.

The DLAS advised the Office of the Assistant Secretary General on labor-, tax-, and property-related matters having to do with the management of the Offices of the General Secretariat in the Member States, and on the privileges and immunities of those Offices. It also advised the OASG on preparation of an administrative memorandum on its procurement procedures, participated in the drafting and negotiation of various agreements, and provided legal advice in connection with its role as Secretariat of the Permanent Council. The Department counseled the Office of Conferences and Meetings in drafting and reviewing agreements and contracts associated with such meetings as the sessions of the General Assembly, the Model General Assembly, and other conferences and meetings in the member states.

To the Executive Secretariat for Integral Development (SEDI)

As for the Executive Secretariat for Integral Development, which is also the Secretariat of the IACD, the DLAS provided assistance in drafting and negotiating agreements with donors and participants in the public and private sectors for execution of specific projects, such as the Danish Human Rights Program for Central America in Support of the Intersectoral Dialogue on Indigenous Peoples, the cooperation agreement with Jamaica's Cable & Wireless Foundation, and another agreement with Argentina's Federal Investment Council. The Department also assisted SEDI with drafting and polishing model agreements for project execution. It continued to cooperate in preparing legal papers related to Phase III of the Project to Rebuild Housing in Communities Affected by Hurricane Mitch in Honduras, and took part in the respective bidding and contracting. In the person of the then Director of the former Department of Legal Services and current General Counsel, the Department took part in the XIII Inter-American Conference of Ministers of Labor, held in Washington, D.C., in May 2004, where it presented a paper on alternatives to the creation of entities within the Organization.

The Department also provided its services to the Office of Sustainable Development and Environment, which is part of SEDI. A number of agreements and contracts were reviewed. Prominent among them was a multimillion dollar contract with the World Bank to finance the Inter-American Biodiversity Information Network. It also participated in the selection and contracting of the businesses that would supply services to the Guarani Aquifer System, a resource shared by Argentina, Brazil, Paraguay, and Uruguay. It also advised the Tourism and Small Enterprise Division of SEDI's Office of Trade, Growth, and Competitiveness, on preparation and review of agreements for projects in different countries, and for establishment of a fund to raise external resources for the development of small hotels in the Caribbean.

To the Department of Democratic and Political Affairs (DDPA)

The DLAS worked with the Department of Democratic and Political Affairs on putting together and reviewing agreements and contracts for the electoral observation missions, as in the case, for example, of the missions sent to observe the municipal elections in Bolivia and the recall referendum held in Venezuela in August 2004. It also advised that Department on the agreements associated with execution of demining operations and their funding, projects on election automation in various electoral processes, and projects in state modernization and promotion of citizen participation in electoral processes. It provided advisory services in the negotiation and drafting of agreements with a number of donors that contribute to various programs administered by the Department of Democratic and Political Affairs. The Director of the DLAS participated in the electoral observation mission conducted for the recall referendum held in Venezuela in August 2004.

To the Department of Administration and Finance (DAF)

The DLAS advised the DAF on the negotiation and drafting of various legal documents, such as the lease contracts for the office space located in the General Secretariat Building, the building contracts for renovation of the Simón Bolívar Room in the Main Building, and other important service contracts. It continued to provide advisory services on administrative issues having to do with the interpretation of rules to be applied in concrete cases, such as requests for hearings and reconsideration, repatriation benefits, application of the education allowance, home leave, and personnel policies.

The DLAS also prepared a legal opinion on the legal consequences of failure to comply with the reimbursement for payment of taxes to staff members who are so entitled. It also drafted a legal opinion for the DAF and a letter to facilitate an arrangement with the Government of Canada on the reimbursement of taxes to Canadian staff members of the General Secretariat. It drafted a written opinion on the expiration of the contracts for positions of trust and prepared the respective documentation.

In conjunction with the Office of Human Resources Services, it drafted new guidelines and forms for contracting temporary personnel. It also helped explain these guidelines and forms in the training exercises held for that purpose.

To the Department of Communications and External Relations

The DLAS prepared a lengthy opinion on copyright, on the question of whether the OAS news service could publish, for both internal and external consumption, articles originally published by other newspapers. It analyzed a number of contractual problems associated with *Américas Magazine* and drafted the corresponding legal opinions. It approved and drafted a number of copyright permits requested through the Columbus Memorial Library. It also gave lectures on legal issues to groups of lawyers, judges, prosecutors, and law students, as part of the activities of the former Office of External Relations and Resource Mobilization.

To other departments and offices

The DLAS continued to cooperate with the Office of the Inspector General by reviewing the terms of reference of the contracts to conduct audits in the various member states, by answering inquiries, and by participating in audits done of projects and cases, providing the proper legal foundation.

The DLAS also continued to provide advice on incorporation and taxes to non-profits having ties with the OAS, such as the Trust for the Americas, the Model OAS General Assembly (MOAS) Inter-American Studies Foundation, the Organization of Women of the Americas, and the Young Americas Business Trust.

The Department continued to serve on various committees and working groups of the General Secretariat as members and/or legal advisors. These included the Insurance Committee, the Selection and Promotion Committee, the Selection and Awards Committee, the Publications Committee, and the Sales Committee.

Legal Representation in Litigious Forums

The DLAS successfully represented the Secretary General in the two cases filed with the OAS Administrative Tribunal: Torre v. Secretary General, Judgment No. 150 (2004), and Louisy v. Secretary General, Judgment No. 151 (2004). The complaints concerned the expiration of the contracts of the two complainants and other employment-related matters and were seeking in excess of a half million dollars in damages and injuries. The Tribunal, however, dismissed the two complaints. The judgments appear at the DLAS web page under the heading of “Judgments of Administrative Tribunal.” Invoking its privileges and immunities and through legal representation retained in Brazil, the DLAS also prevailed in the two labor complaints that independent contractors filed in the local courts.

Inter-American Treaties and Bilateral Cooperation Agreements

In 2004 the DLAS was active in ensuring compliance with the formalities and procedures required for signature of inter-American multilateral treaties, deposit of the corresponding instruments of ratification and/or accession, reservations and other declarations, denunciation, and other legal procedures—such as designation of central authorities. In this regard, proper procedure was followed in receiving requests from the member states, reviewing the documents presented (full powers, instruments of ratification and/or accession), coordinating with the Office of Protocol, the Office of the Secretary General, the Office of the Assistant Secretary General, and the Department of Communications and External Relations for the respective ceremony, preparing the minutes and speeches, recording the event, and sending notification thereof to the member states and interested agencies.

Legal advisory services were provided to the representatives of the member states and to the organs, agencies, and other entities of the Organization as regards those formalities and procedures. In 2004, the DLAS participated in one signing, 31 ceremonies in which instruments of ratification or accession were deposited, and 16 in which a central authority was designated.

Certifications were drawn up and, upon request, current and complete information was provided on those treaties (their texts, current status of the signatures and ratifications, and so on) to the governments of the member states, to permanent missions of the member states and permanent observers to the OAS, to the organs, agencies, and entities of the Organization, to the Offices of the General Secretariat in the Member States, to other governmental and nongovernmental international organizations, and to private individuals in general. That same information was also reported on the web page.

In the case of the bilateral agreements, 97 agreements in various areas were registered and recorded in 2004. In most cases, the bilateral cooperation agreements were given a final review before being signed. The full text of the bilateral agreements recorded in 2004 was published online in PDF format.

It is important to note that in 2004 a number of changes were introduced in the texts of the inter-American treaties for which the General Secretariat is depository. Those appear in Appendix C to the present report.

Technical and Administrative Secretariat Services

To the Inter-American Juridical Committee (CJI)

The annotated agendas were prepared for both sessions held in 2004 and trace the evolution of each item on the CJI agenda. The DLAS drafted documents summarizing the General Assembly's mandates for the Committee; provided its assistance in drafting the corresponding draft resolutions; helped edit the reports presented by the members of the CJI; put together summary minutes of the CJI's proceedings; and was in charge of preparing the Committee's Annual Report to the General Assembly. The Department offered advisory assistance on most of the topics on the agenda, which are described in detail in the section of this report that deals with the Inter-American Juridical Committee.

During the interval between sessions of the CJI, the DLAS assisted the rapporteurs with development of their respective topics; it organized the participation of Committee members as observers at various meetings and discharged the mandates contained in the CJI's resolutions and decisions. In particular, it collaborated on all the work being done to organize the Centennial of the Inter-American Juridical Committee, which will be in 2006. It took the necessary measures and engaged in the *travaux préparatoires* so that the CJI might hold its March 2005 session in the city of Managua, Nicaragua.

To the Administrative Tribunal

As Secretariat of the Administrative Tribunal, the DLAS provided technical services related to the preparations for and coordination of the LII Regular Session of the Tribunal, and provided legal assistance and secretariat services during that session, held from May 12 to 18, 2004.

As part of the technical services provided to the Administrative Tribunal, general information about the Tribunal has been supplied to staff members of the General Secretariat at and away from headquarters. A record has been kept of the judgments delivered by the Administrative Tribunal and of the list of pending cases. The DLAS has prepared Volume IV of the Judgments of the Tribunal and has entered the corresponding information on the Tribunal's web page. The DLAS continues to work on the introduction of the Database, started in September 2003. In addition to the Administrative Tribunal's judgments it will

contain a collection and analytical index of the jurisprudence of the tribunals of other international organizations, such as the Administrative Tribunal of the International Labour Organization (ILO).

The Administrative Tribunal continues to maintain contact and share information and assistance with the administrative tribunals of the World Bank, the IDB, the IMF, and the ILO. Under the auspices of the World Bank, the secretaries of the various administrative tribunals held their usual working meeting on April 22, 2004, to discuss such issues as joinder of proceedings or cases, anonymity for litigation purposes and the appropriate time to decide this issue, the inadmissibility of complaints, the objection challenging jurisdiction, and the non-retroactivity of the law.

To the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA)

In its capacity as Technical Secretariat of the REMJA, the Department provided assistance to the Fifth Meeting (REMJA-V), held in April 2004. Technical support was provided to the REMJA group of government experts in mutual legal assistance in criminal matters, which met in September 2004 to strengthen and consolidate this type of assistance and to which end it agreed to carry out specific tasks.

Technical support was provided to the working group on hemispheric cooperation in combating cybercrime. Pursuant to a decision of this group, the DLAS organized technical workshops for the member states in the techniques of drafting legislation on the subject of cybercrime. These workshops are intended to help the member states prepare or improve the laws in order to cope with the various aspects of this criminal behavior and are held under the joint auspices of REMJA and the Government of the United States. In 2004, three workshops were held, targeting the Central American countries, the member countries of MERCOSUR, and the countries of the Andean Group. The workshop for the Caribbean countries is already scheduled for next year. Pursuant to a recommendation from REMJA-V, the DLAS established an Internet information exchange system having to do with prison policies, available at the following web address: www.oas.org/juridico/spanish/gapeca_sp.htm.

Follow-up Mechanisms

Of the Inter-American Convention against Corruption (MESICIC)

In discharging the functions entrusted to the General Secretariat since 2001 when the MESICIC was conceived, technical secretariat services have been provided to the First Meeting of the Conference of States Parties to the MESICIC, held in Washington, D.C., in April 2004. Out of that meeting came important conclusions as well as recommendations as to concrete measures to strengthen this Mechanism. Technical secretariat services were also provided to the Meeting of the States Parties to the Inter-American Convention against Corruption (CICC), held in Managua in July 2004. That Meeting adopted the documents titled “Declaration of Managua” and the “Plan of Action of Managua on Additional Concrete Measures to Increase Transparency and Combat Corruption within the Framework of the Inter-American Convention against Corruption.” Both documents contain agreements reached on this subject.

The area continued to provide technical secretariat services to the Committee of Experts of the MESICIC, which met twice in 2004, the first time from February 2 to 6 and then again from July 26 to 30, 2004. Eight country reports were adopted concerning the implementation of the CICC provisions selected to be examined during the first round (those countries were Uruguay, Panama, Ecuador, Chile, Bolivia, Peru, Costa Rica, and Venezuela). The six draft country reports that will be taken up at the first of the two regular meetings the Committee will hold next year have already been prepared and are being processed in accordance with the procedures set forth in the Rules of Procedure of the Committee of Experts of the MESICIC.

Since the Plan of Action of Managua assigns the Permanent Council certain functions in the fight against corruption, the DLAS has been providing that body with legal advisory services and technical assistance to carry out those functions to the fullest. Cooperative activities have been organized with other international organizations, mainly with the Organisation for Economic Co-operation and Development (OECD) and the Inter-American Development Bank (IDB), such as the forum held in Rio de Janeiro in May 2004, in cooperation with both those organizations and the Government of Brazil, concerning “Conflict of Interest Policies in the Public Services in Latin America and the Caribbean.”

As part of those technical cooperation activities, through the Organization’s web page, a network has been maintained so that information on hemispheric developments in this area can be shared.

Of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA)

Article XXVIII of this Convention provides that five years after the entry into force of this Convention, the General Secretariat, as depository of the treaty, shall convene a conference of the states parties to examine the functioning and application of this Convention. In furtherance of this mandate, the Department provided technical secretariat services when the Conference was held in Bogotá on March 8 and 9, 2004.

Legal advisory services continued to be provided to the Consultative Committee of the CIFTA and to its Secretariat pro tempore. In so doing, the Department participated in preparations for its Fifth Regular Meeting, held in Washington, D.C., on May 10, 2004, and helped carry out activities planned in the Work Program 2004-2005, which was adopted at that meeting. These services included the following: states parties’ replies to the questionnaire on the Convention’s implementation were received and analyzed and an up-to-date inventory was kept of the measures that they had taken in furtherance of the Convention’s provisions; national agencies or points of contact were constantly updated to facilitate mutual legal assistance; the CIFTA’s website was kept current, additions were made and the site was consolidated; a proposed methodology was devised for drafting the model legislation recommended under point 6 of the Declaration of Bogotá (concerning areas that the CIFTA addresses but are not already provided for in CICAD’s model regulations); and draft agendas and other documents were prepared for the meetings held under the Committee’s aegis (of national authorities responsible for granting the authorizations or permits to which the CIFTA refers; national authorities or single points of contact; and central authorities for mutual legal assistance).

Inter-American Program for the Development of International Law

Courses and Workshops

Course on International Law: In conjunction with the CJI, the Department organized the XXXI Course on International Law, held from August 2 to 27, 2004. Participating in the course were 25 professors from various countries of the Hemisphere, as well as 27 OAS fellowship recipients and 10 students who paid their own expenses. The central theme of the course was “International Law, Trade, Finance, and Development.”

International Law Workshops: Santiago, Chile, was the site of the Workshops on International Law held from November 29 to December 2, 2004. The Chilean Association of International Law was instrumental in organizing the event, as was a group of academic institutions that included the Universidad de Chile; the Universidad Católica; the Universidad Adolfo Ibáñez, and the Academia Diplomática de Chile. The Workshops were attended by 14 professors from abroad and 25 Chilean professors, all specialists in public and private international law.

Chair in Inter-American Law: The Department made a contribution toward the recently created Chair in Inter-American Law at the Universidad Nacional de Córdoba in Argentina, by donating publications in the area of international law.

Other courses: The Department also worked with the former Unit for the Promotion of Democracy by delivering two lectures on the legal aspects of the Inter-American Democratic Charter (San Salvador, November 2004). In February 2004, it collaborated with the School of Law of the Universidad Central de Venezuela on preparing for and staging a course in the graduate program in private international law.

Legal Publications

The Department edited, published, and circulated the XXX Course on International Law, held in 2003, whose title was: “International Law and the Maintenance of International Peace and Security.” The following volumes were organized and published: *Workshops on International Law, held in Lima, Peru, November 17 to 22, 2003*; Third Volume in the *Serie Temática* from the Course on International Law: “Public International Law”; *Los nuevos temas del derecho internacional privado en las áreas del derecho comercial, financiero y ambiental*; and the *Third Volume on the Rio Treaty: “The Application of the Inter-American Treaty of Reciprocal Assistance to the Malvinas Islands Conflict. Twentieth Meeting of Consultation of Ministers of Foreign Affairs.”*

The Department supported publication of the following articles through other sources: “Commercial Arbitration in the Americas in the Integrationist 21st Century,” sent to the *Georgetown Journal* in August 2004, E. Lagos & Michael Solursh, in cooperation with Timothy Rudy on editing and publication; “Investment Protection and Liberalization in the FTAA: Striking a Balance between the Interests of Developed and Developing Countries,” sent to the *Law and Business Review of the Americas*, in September 2004, E. Lagos & Michael Solursh, in cooperation with Timothy Rudy on editing and publication; “*The New Inter-American Topics in Private Law in the Areas of Commercial, Financial and Environmental Law*,” published by the Organization in the second half of 2004; “In Defense of Democracy” (Enrique Lagos & Timothy Rudy), *Inter-American Law Review*, Volume 35, Number 2, Spring 2004; “The Organization of American States and the Fight against Terrorism: The Inter-American Convention against Terrorism and the Inter-American Committee against Terrorism (CICTE),” by E. Lagos and presented at the First Congress of Culture and Comparative Legal Systems, Instituto de Investigaciones Jurídicas, Mexico, D.F., February 2004; “La Convención Interamericana sobre Tráfico Internacional de Menores: Algunos Comentarios y Reflexiones,” an article written by E. Lagos for the Book in Honor of Professor Didier Operti Badán – *Liber Amicorum*, Uruguay; “The New Inter-American Convention against Terrorism and Human Rights,” submitted by E. Lagos for the Book in Honor of Professor Antonio Cançado Trindade, 2004; “New Developments in Inter-American Law,” an article written by Jean Michel Arrighi for the Book in Honor of Professor Didier Operti Badán; “For the Teaching of Public International Law,” article by Jean Michel Arrighi for the Book in Honor of Professor Antonio Cançado Trindade. At the Department’s web page, it also published a number of essays on the Organization’s internal rules and regulations.

Information Online and on CD-ROM

The content, design, administration and control of the Department’s websites were updated. Discussion forums were devised (a test project). The discussion forums allow virtual communities to interact on certain topics; questions can be asked and comments made. Shortly thereafter, a reply is there for other subscribers to view as well. Such forums are attractive to users because information of mutual interest can be shared. In March 2004, the third edition of the CD-ROM on the activities of the former Secretariat for Legal Affairs and the former Department of Legal Services was introduced.

Online shopping for publications was introduced, featuring a catalogue of 14 publications, management of customer accounts, customer registration, customer comments on the products, shopping carts, e-mail notifications, and arrangements for shipment of the product.

Model Assemblies

On November 17, 2004, the Department gave a presentation for General Secretariat staff who would assist with the work of the XXIII Model Assembly for Secondary School Students. That Model Assembly was held at headquarters from December 1 to 4, 2004.

Participation in International Forums

The Department participated in a number of forums and gave presentations whose purpose was to provide legal advice or report on the activities carried out in the Organization: (i) Workshops of Experts in Formulation of Legislation for Implementation of the Universal Antiterrorism Instruments and the Inter-American Convention against Terrorism, San José, Costa Rica; United Nations Office on Drugs and Crime. Presentation: *The Inter-American Convention against Terrorism: Some Observations for Its Implementation in the Countries' Domestic Laws*, January 2004; (ii) Fourth Regular Meeting of the Inter-American Committee against Terrorism (CICTE), Uruguay, January 2004; (iii) Seminar at the Law School of the Universidad Autónoma de México (UNAM) for its degree program in registry law, Guanajuato, Mexico. Presentation: *The Role of Registries or Records in International Development*, January 2004; (iv) Annual seminar on Private International Law (International Law Institute), Washington, D.C. Presentation: *Private International Law at the OAS, its History and Future*, May 2004; (v) IV Forum of Presidents of the Andean Legislative Branches of Government – FOPREL, Bogotá, Colombia. Presentation: *The Fight against Terrorism in the Legislative Arena and the Inter-American Convention against Terrorism*, May 2004; (vi) Meeting of Experts on the Follow-up Mechanism to the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, Washington, D.C., July 2004; (vii) Meetings for Implementation and Follow-up of the Inter-American Specialized Conferences on Private International Law, held with Mexican officials from the executive, legislative, and judicial branches of government, at the Secretariat of Foreign Affairs of Mexico, Mexico City. Presentation: *Joint Implementation of the OAS and UNIDROIT Instruments on International Guarantees of Movable Assets*, October 2004; (viii) Conference of States Parties to the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, Washington, D.C., October 2004; (ix) XXVIII National Seminar on Private and Comparative International Law of the *Academia Mexicana sobre Derecho Internacional Privado*, A.C., Pachuca, Mexico. Master Lecture: *The Evolution of Inter-American Specialized Conferences on Private International Law (CIDIP) in the OAS and Preparations for CIDIP-VII*, November 2004; (x) International Law Workshops, Santiago, Chile. Presentation: *The Draft American Declaration on the Rights of Indigenous Peoples*, December 2004. Presentation: *Challenges for inter-American law*, December 2004; (xi) Third Seminar on the subject of Pensions in International Organizations, held in Brussels, Belgium, April 2004. Presentation: *Governance of Retirement Funds in International Organizations*; (xii) Meeting of Legal Advisers of Ministries of Foreign Affairs, held at United Nations Headquarters in New York, November 2004; (xiii) the Regional Meeting on Adapting Domestic Criminal Law to Treaties in International Humanitarian Law, held in Mexico City. Presentation: Opening – *The OAS and Humanitarian Law*; Closing – *Thoughts on Adapting Domestic Law to International Commitments in International Humanitarian Law*.

Other Cooperation and Exchange Activities

The DLAS conducted a number of coordination and cooperation activities and exchanges in the juridical field with international organizations and national institutions in the member states. Prominent among these were the activities with Georgetown University, George Washington University, American

University, and the American Law Institute (ALI). The Department cooperated with the World Bank through the activities that the Bank's International Centre for Settlement of Investment Disputes (ICSID) conducts; the American Society of International Law (ASIL); the Inter-American Bar Association (IABA), and the American Bar Association (ABA). It continued its relationship of cooperation and coordination with the United Nations Commission on International Trade Law (UNCITRAL); the Hague Conference for Private International Law, and the United Nations International Institute for the Unification of Private Law (UNIDROIT). The biannual meeting of lawyers with international organizations was held in November 2004 and was widely attended by attorneys from the IDB, the World Bank, the United Nations, PAHO, and the Department, who discussed a number of issues, such as privileges and immunities, relations with the host country, and international administrative law.