

MEETING OF MINISTERS OF JUSTICE OR
OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS
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CONCLUSIONS AND RECOMMENDATIONS

(Adopted at the Fifth Working Session, on December 3, 1997)

CONCLUSIONS AND RECOMMENDATIONS

At the conclusion of their discussions on the various topics of their agenda, the FIRST MEETING OF MINISTERS OF JUSTICE OR OF MINISTERS OR ATTORNEYS GENERAL OF THE AMERICAS arrived at the following conclusions and recommendations:

I. CONCLUSIONS

1. The existence of a legal system that guarantees the observance of human rights and duties, facilitates access to justice, and offers protection to society, is an essential element for consolidating the rule of law and for allowing social and economic development to proceed as an effective formula for the integration of our peoples.

2. Strengthening the legal system requires the adoption of standards that will preserve the independence of the judiciary, the continued improvement of its institution's abilities to enforce the rule of law, and the training and continuous upgrading of magistrates, judges, prosecutors and public attorneys, and other officials related to the justice system, as well as lawyers.

3. The threats facing our societies, such as organized crime, corruption, drug trafficking, terrorism, money laundering, child exploitation, and the deteriorating natural environment, can only be successfully addressed by upgrading our national systems of justice, and by strengthening international cooperation in these areas, in all its forms.

4. The valuable inter-American juridical inheritance embodied in the many treaties prepared under the aegis of the ORGANIZATION OF AMERICAN STATES needs to be given effective application, through prompt ratification of the conventions that have been signed, and adequate dissemination of its texts, and of the practice of member states.

5. International legal cooperation is essential for the development of justice systems within the member countries of the OAS. Consequently, and in accordance with each country's legislation, there is a need to promote mutual legal assistance in a flexible and effective manner, in particular with respect to extradition, requests for delivery of documents and other forms of evidence, the establishment of secure and prompt channels of communications such as those of Interpol, and strengthening of the role of the Central Authorities.

6. One of the major challenges facing our societies today is to develop prison and penitentiary systems that offer suitable conditions for rehabilitation and re-integration into society for those who have been sentenced to imprisonment by the courts.

II. RECOMMENDATIONS

In light of the foregoing considerations, and with a view to pursuing the process initiated at this meeting, we make the following recommendations:

1. To continue the process of strengthening the legal systems of the Americas, so as to

ensure that individuals have full access to justice, to guarantee the independence of the judiciary and the effectiveness of prosecutors and public attorneys, and to encourage the establishment of responsive and transparent systems and modern institutions.

2. To approach the process of modernizing justice from a multidisciplinary viewpoint that goes beyond strictly legal considerations, and embraces such aspects as: organizational analysis, systems management, social costs and benefits, economic and statistical studies.
3. To encourage the incorporation of alternative dispute settlement procedures into national justice systems.
4. To continue efforts to improve inter-American instruments for legal cooperation, to which end every state should evaluate the current application of existing measures, and take steps to disseminate them more broadly, as well as to promote the establishment of other instruments that may be necessary to deal with new contingencies.

To request the General Secretariat of the OAS to prepare a study on the obstacles impeding the effective application of treaties of legal and judicial cooperation, on the basis of reports to be submitted by member states.

5. To promote the exchange of national experience and technical cooperation in prison and penitentiary policy matters, within the framework of the OAS.
6. To promote the sharing of experience and technical cooperation in matters related to criminal prosecution systems, access to justice, and judicial administration.
7. To reinforce the fight against corruption, organized crime and transnational criminal activity, and to adopt new legislation, procedures, and mechanisms as necessary to combat these scourges.
8. To welcome the forthcoming Summit of the Americas, to be held in Santiago, Chile, in April 1998, and to express satisfaction that the timely topic of strengthening the judicial system and the administration of justice has been included on the agenda for that occasion.
9. To convene a meeting of government experts, with support from the OAS, in Santiago, Chile, before February 28, 1998, to examine basic issues in the Justice Sector, with a view to incorporating their analysis into the work of the Summit of the Americas.
10. To encourage the holding of regular meetings of ministers of justice or of ministers or attorneys general of the Americas, within the framework of the OAS and with technical support from the Organization's General Secretariat.
11. To accept with gratitude the offer of the Government of Peru to serve as host for the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, to be held during the second half of 1998, and to agree that the agenda for that meeting should be prepared within the OAS, with a focus on topics that are deemed to be priorities.

12. To request the OAS to provide the financial resources necessary for carrying out the various recommendations issuing from this FIRST MEETING OF MINISTERS OF JUSTICE OR OF MINISTERS OR ATTORNEYS GENERAL OF THE AMERICAS.