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PARTICIPATION OF LEGISLATIVE BODIES IN CICAD ACTIVITIES

Participation of Legislative Bodies in CICAD Activities

INTRODUCTION

A number of the activities of international organizations and their organs, such as CICAD produce, or are intended to produce, results that may require concomitant legislative changes in the individual member countries of those bodies in order that those products are applied and result in meaningful changes to national policies and practices.

In a world of constant change, this need is particularly acute in the field of drug control and related areas such as money laundering and firearms control as well as in such subject matters as organized crime, corruption, terrorism and precursor chemicals. And of course, it is the legislative authority that may determine the penalties for drug-related crimes.

And in the same sense of rapid change, CICAD needs to be aware of legislative initiatives such as proposed changes in basic law.

Thus, while the ratification by national legislatures of international conventions has always been the nexus that binds countries in international concert, the implementation of modern conventions frequently requires an increased and more immediate level of contact and coordination. In addition, in view of the sometimes novel and often urgent nature of the problem that has resulted in a convention, there is a strong case to be made for increased contact between international organizations and parliamentary bodies to ensure that a convention's objectives are achieved. To this end, coordination with legislative bodies towards securing support for and subsequent adherence to the convention may need to begin not after the convention has been signed, but during its preparatory stages.

In the OAS context evidence that this coordination can be of value is apparent in effecting the application of provisions of such conventions as the Inter-American Convention Against Corruption, the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, and the future anti-terrorism convention. As for the work of CICAD, there is a need for similar coordination to promote adoption of the measures of the three sets of Model Regulations which may anticipate subsequent international instruments as was the case with the model regulations on money laundering, or that complement an existing convention through a more specifically detailed set of actions, as is the case for the firearms control regulations.

Overall, increased contacts between members of organizations like CICAD in relevant national parliamentary or parliamentary committee meetings and activities should be encouraged and promoted though there is no regular means established to do so.

CURRENT SITUATION

Generally speaking, apart from the Unit for Promotion of Democracy, which has an ongoing program to support parliamentary processes for legislatures, the Organization of American States has no significant outreach or external relations program with respect to national Parliaments. Nor is the participation of the legislative branch in the affairs of the Organization addressed in the basic documents of the OAS.

The underlying document directed at establishing relationships beyond the Organization, the "Standards on Cooperative Relations between the Organization of American States and the United Nations, its Specialized Agencies, and Other International and National Organizations" approved by the General Assembly in San Jose, Costa Rica on April 14, 1971 (AG/RES. 57 (I-0/71)) does not consider relations with legislative bodies. Article 2 of the Standards describes as entities with which the Organization or its organs may establish cooperative relations, intergovernmental and semiofficial organizations, governmental agencies and non-governmental organizations.

Likewise, CICAD's Statute and Regulations do not contemplate a role for relations with national legislative bodies, their committees or individual legislators, nor do they provide for participation by such entities or individuals in CICAD activities. Neither instrument expressly prohibits such participation, but it is unusual say, for a legislator to be a member of a national delegation pursuant to Article 4 of CICAD's Statute. Otherwise, under Articles 7 and 9 of CICAD's regulations, a member of a legislature with an expertise or a significant interest in a particular topic could be invited as a special guest and could also address the Commission on a subject of particular interest.

The Executive Secretariat has on occasion met informally with legislative representatives to discuss matters of common interest and recently the Executive Secretary was invited to address a Canadian Senate Committee on drugs about the role and policies of CICAD in hemispheric drug matters.

In addition, the Executive Secretariat and undoubtedly some individual Commissioners have from time to time there had contacts with a variety of other parliamentary fora. The Secretariat also has attended several Transatlantic Inter-Parliamentarian Conferences on Drug Control, and co-hosted with the United Nations International Drug Control Programme (UNDCP) and the Government of Bolivia, the fourth Transatlantic Conference in Santa Cruz, Bolivia, in February 2001. In addition to international organization officials, representatives from over 160 parliamentary or congressional bodies and leading drug control organizations from more than 25 countries attended the conference.

CICAD has also been invited to two meetings of the Inter-Parliamentary Forum of the Americas (FIPA), an organization that brings together parliamentary, international organizations and government representatives, directed at the discussion of important questions of hemispheric concern and the promotion of resolutions in national legislatures. FIPA has considered at its meetings such topics as the role of legislators in the implementation of Summit of the Americas and the negotiation of regional trade integration, population migrations and border questions. At the March 14 and 15, 2002 sessions in Mexico City, CICAD secretariat personnel participated in panels of the Forum on subjects including firearms, security issues and organized crime.

Conclusion

While there is evidence of occasional contacts with parliaments, regional parliaments and parliamentary associations, CICAD may now wish to consider whether it wishes to increase and further structure its relations with these bodies.

As noted above, among the reasons for promoting increased participation of representatives of these bodies in meetings and activities of CICAD are the promotion of an awareness of CICAD, its mandate, its strategy, activities and keeping these fora informed about related developments. These relations could also build an effective pipeline for direct dissemination to national parliaments and to their relevant committees of CICAD reports and activities of projects, Model Regulations and other actions taken. For their part, parliamentary representatives could communicate to the Commission relevant information reflecting the interests and concerns of their national communities. Increased cooperation with congressional libraries could facilitate exchanges of information, in particular of relevant government legislation, regulations and policies.

Means for increasing this participation are varied. Representatives of each of these fora can be invited to meetings of the Commission as special guests, in accordance with CICAD's Regulations. Parliamentary associations might be able to apply as Civil Society Organizations (CSOs) to participate as observers in CICAD in the same manner that as CSOs can apply to be accredited observer status in the political bodies of the OAS as prescribed by CP/RES.759.

For future practice, the Executive Secretariat could develop a list of national parliamentary committees to present to the Commission for its consideration, and include those agreed to by the Commission on the regular distribution list of information about CICAD work products, events and activities. At this time, invitations to CICAD meetings are only issued to regional parliamentary bodies within the regions of the Americas.

In addition, representatives of committees of national parliaments on subjects of direct relevance could be invited to the appropriate expert group meetings or training program of CICAD if, in the opinion of the Commission, such participation would enrich the discussion and conclusions of the meeting.