Law Enforcement Cooperation in the Organization of American States: A Focus on REMJA

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I. INTRODUCTION

In 1997, the most senior justice officials of the active Member States of the Organization of American States (OAS) came together in Buenos Aires, Argentina, to celebrate the First Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, or the Reunión Extraordinaria de los Ministros de

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The author expresses a note of appreciation to his friends and colleagues throughout the Hemisphere for their candid exchanges and collective resolve to foster law enforcement assistance in criminal matters and extradition. Mr. Warner's observations in this article reflect his personal opinion and do not necessarily reflect the position of the U.S. Department of Justice or the U.S. Government.

1. Organization of American States [OAS], Resolution of Meeting of Ministers of Justice, AG/RES. 1482 (XXXVII-O/97) (June 5, 1997), available at http://www.oas.org/juridico/english/ga-res97/eres1482.htm (highlighting "the importance of holding a
Justicia de las Américas (REMJA).

The aim was "to consider issues contributing to enhanced legal and judicial cooperation in the Americas." Before that time, Hemispheric law enforcement cooperation in the Organization of American States generally followed a crime-specific approach, with its primary emphasis on combating drugs. The Ministers have met four times meeting of ministers of justice, or of ministers or attorneys general," and placing primary emphasis on "the progressive development and codification of international law," dissemination of that information, and "measures allowing greater inter-American legal cooperation"). While these objectives remain a priority within the REMJA process, practical assistance in criminal matters has tended to dominate discussions during the most recent Meetings of Ministers of Justice or of Attorneys General of the Americas, particularly the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas. Compare infra note 73 (concerning Justice Studies Center) with infra notes 7-8, 10 and accompanying text (focusing on discussions and outcomes of particular Meetings of Ministers of Justice or Ministers or Attorneys General of the Americas).

2. Throughout the Hemisphere, the Meeting of Ministers of Justice, or of Ministers or Attorneys General, is known by its Spanish acronym, REMJA. See, e.g., OAS, AG/RES. 2040 (XXXIV-O/04) (June 8, 2004), available at http://www.oas.org/juridico/english/ga04/agres_2040.htm (noting that the Third Summit of the Americas supported the "work done in the context of the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA) and the implementation of their conclusions and recommendations"); OAS, AG/RES. 1924 (XXXIII-O/03) (June 10, 2003) (using Spanish acronym to convene the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-V)). This article adopts that convention, too. Spanish is one of the four official languages of the OAS. The others are English, French, and Portuguese. See, e.g., The OAS and the Inter-American System, http://www.oas.org/documents/eng/oasinbrief.asp (last visited Dec. 2, 2005) (identifying official languages of OAS).

3. See OAS, AG/RES. 1482, supra note 1, ¶ 2 (providing genesis of REMJA and instructing Permanent Council "to hold necessary consultations to prepare the agenda and to convene and organize the meeting").


During the Sixteenth Regular Session of the General Assembly, the General Assembly passed a resolution to establish the CICAD and approved its Statute, drawing on the Rio de Janeiro Program of Action for its framework and direction. See U.S. DEP’T. OF STATE, CICAD Fact Sheet (2005), available at http://www.state.gov/p/wha/rls/fs/2005/59317.htm (recounting the OAS General Assembly’s establishment of CICAD through AG/RES. 813 (XVI-O/86)). One of CICAD’s primary objectives has
been to “harness the collective energy of its member states to reduce the production, trafficking, use and abuse of drugs in the Americas.” OAS/CICAD, About CICAD, http://www.cicad.oas.org/EN/AboutCICAD.asp (last visited Nov. 27, 2005).

The General Assembly established CICAD as “a technically autonomous agency of the OAS.” History of CICAD, supra. Each of the thirty-four active Member States participates in CICAD. Id. The Secretary General of the OAS, in consultation with CICAD, designates a CICAD Executive Secretary. Id. The Executive Secretary oversees a professional and administrative staff, collectively referred to as the Executive Secretariat of the CICAD. Id. CICAD generally meets twice a year for its regular sessions and holds special sessions at the request of the Executive Secretariat, when appropriate. Id.

In an effort to promote its mandate, CICAD has approved three principal model regulations — one concerning chemical control, a second concerning money laundering, and a third relating to firearms trafficking. See CICAD, Model Regulations to Control Chemical Substances Used in the Illicit Production of Narcotics Drugs and Psychotropic Substances, (May 1999), available at http://www.cicad.oas.org/en/default.asp (follow “Reference Materials” under “Supply Reduction”, then follow “Model Regulations to Control Chemical Substances Used in the Illicit Production of Narcotics Drugs and Psychotropic Substances” hyperlink under “Chemical Control” heading) (identifying chemical control model regulation); CICAD, Model Regulations Concerning Laundering Offenses Connected to Illicit Drug Trafficking and Other Serious Offenses, (Oct. 1997), available at http://www.cicad.oas.org/en/default.asp (follow “Money Laundering: Model Regulations and Legislation” hyperlink; then follow “Model Regulations concerning Laundering Offenses connected to Illicit Drug Trafficking and other serious offenses” hyperlink) (providing model regulations to combat money laundering); CICAD, Model Regulations for the Control of the International Movements of Firearms, Their Parts, Components, and Ammunition, http://www.cicad.oas.org/en/default.asp (last visited Dec. 2, 2005) (follow “Legal Development: Model Regulations” hyperlink; then follow “Model Regulations for the Control of the International Movements of Firearms, their parts, components and ammunition” hyperlink) (setting forth firearms model regulation). In the wake of the Second Summit of the Americas (Santiago de Chile, 1998), Member States committed to developing a singular and objective process of multilateral governmental evaluation, known by the acronym MEM. See CICAD, CICAD History, supra.


CICTE aims to enhance information exchange between and among appropriate competent national authorities, formulate proposals to assist Member States in drafting appropriate counterterrorism legislation, compile treaties and agreements signed by Member States and promote universal adherence to international
since. While REMJA-I and its successor began identifying particular areas for greater cooperation, REMJA-III represented a broader approach – however slight – to REMJA's objectives. Among other things, it sanctioned the establishment of a working group to promote information exchange as a component of enhanced cooperation. REMJA-IV embraced the merits of prior collaborations and convened a meeting of central authorities and other experts in criminal matters to propose a concrete Hemisphere plan to strengthen law enforcement cooperation. The conclusions and recommendations of that experts' meeting became pivotal to and set a tone for REMJA-V, which acknowledged the continuing need to address law enforcement cooperation initiatives collectively. REMJA-V, among other things, declared its counterterrorism conventions, enhance border cooperation and travel documentation security measures, and develop activities for training and crisis management. See CICTE, Our Mission, http://www.cicte.oas.org/English/index.htm (last visited Dec. 2, 2005) (listing CICTE's objectives).


5. See infra note 58 (identifying REMJAs I-V).


9. See OAS, Meeting of Ministers of Justice or of Ministers or of Attorneys General of the Americas, Ottawa, Can., Apr. 30-May 2, 2003, Report of the Meeting of Central Authorities and Other Experts on Mutual Legal Assistance in Criminal
support for information exchange, called for further meetings of
the central authorities, and asked other experts to consider the
advisability of a Hemispheric Plan of Action to combat transna-
tional organized crime.10

In furtherance of the Plan of Action, experts met at the OAS
Headquarters in Washington, D.C., in April 2005.11 They recom-
manded that the Hemisphere adopt a Plan of Action; more impor-
tantly, they recommended that the OAS Secretariat be given
appropriate authority to ensure that respective agencies and
organs of the OAS would work in concert to maximize resources
and eliminate duplicative efforts.12 During the Thirty-Fifth Regu-
lar Session of the General Assembly in Fort Lauderdale, Florida,
in June 2005, Member States agreed with the experts’ approach.13
They adopted a resolution to empower the OAS Secretariat and
created a Special Joint Committee to coordinate Hemispheric law

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10. See OAS, Fifth Meeting of Ministers of Justice or of Ministers or Attorneys
REMJA-V/doc.7/04 rev. 4, available at http://www.oas.org/juridico/english/ministry_of
justice_v.htm [hereinafter Conclusions and Recommendations of REMJA-V]
(recommending meeting to discuss “advisability” of Hemispheric Plan of Action).

11. See id.

12. See OAS, Committee on Hemispheric Security of the Permanent Council of the
Organization of American States, Meeting of Government Experts to Consider the
Advisability of Developing a Hemispheric Plan of Action against Transnational
Organized Crime, Apr. 18-19, 2005, Conclusions and Recommendations, ¶ 4(b), OEA/
(follow “Conclusions and Recommendations REGDOT/doc.6/05” hyperlink)
[hereinafter Transnational Organized Crime Experts’ Meeting] (calling for the
Secretary General to support a Special Joint Committee by “conven[ing] monthly or
bi-monthly meetings of the relevant General Secretariat units, such as the
Department of Multidimensional Security, the Department of Legal Affairs and
Services, and the Permanent Secretariat of the Inter-American Commission of
Women, and report regularly” to the Special Joint Committee; and requiring the
Secretary General to “coordinate efforts of the OAS organs, agencies, entities, and
mechanisms that directly address this issue [transnational organized crime] with a
view to eliminating the duplication of efforts and maximizing institutional
resources”).

13. See OAS, Fighting Transnational Crime in the Hemisphere, AG/RES. 2116
(XXXV-O/05) (June 7, 2005), available at http://www.oas.org/XXXVGA/docs/ENG/
2116.doc (unofficial text of General Assembly Resolution arising from Thirty-Fifth
Regular Session in Fort Lauderdale, Florida).
enforcement cooperation efforts to combat transnational organized crime.\textsuperscript{14}

As acknowledged through the Summits of the Americas process,\textsuperscript{15} the REMJA is becoming an important component of Hemisphere efforts to combat transnational crime, and it merits greater focus.\textsuperscript{16} Part II of this article will look at collaborative cooperation efforts in the Hemisphere before 1997. Part III will explore REMJA, giving attention to its origin and its position within the OAS. It will also summarize the respective REMJAs and draw attention to the initiatives noted above. Parts IV and V of the article will highlight REMJA achievements, note some of the unique challenges facing REMJA, and offer recommendations

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\textsuperscript{14} See id., ¶ 6 (instructing the Permanent Council to establish a “Special Committee on Transnational Organized Crime” and the General Secretariat “to develop a mechanism for coordinating the efforts of the organs, agencies, entities, and mechanisms currently dealing with topics related to the prevention and fight against transnational organized crime, in order to prevent duplication and optimize the use of institutional resources”); see also OAS, Modernization and Reorganization of the OAS General Secretariat, AG/RES. 2156 (XXXV-O/05) (June 7, 2005), available at http://www.oas.org/XXXVGA/docs/ENG/2156.doc (promoting efforts to improve OAS operations as an institution).


to ensure that the gains achieved in REMJA – especially REMJAs III, IV, and V – continue through successive meetings.

II. HEMISPHERIC COOPERATION EFFORTS PRE-REMJA

Hemispheric cooperation efforts before the creation of the REMJA principally stemmed from obligations arising from Member States’ adherence to multilateral treaties concerning narcotics and terrorism. The cooperation was grounded principally in the terms of the multilateral instruments to which Member States were parties, such as the myriad United Nations conventions to combat terrorism or drug trafficking. These conventions generally obligate a party to criminalize identified offenses and further mandate cooperation, especially cooperation in the areas of extradition and mutual assistance. With the adoption of the Inter-

17. See infra notes 18-19 and accompanying text.
19. See Convention on Offenses and Certain Other Acts Committed on Board Aircraft, supra note 18, art. 16 (providing that “[o]ffenses committed on aircraft registered in a Contracting State shall be treated, for the purpose of extradition, as if they had been committed not only in the place in which they have occurred but also in the territory of the State of the registration of the aircraft” but creating no obligation to extradite); Convention for the Suppression of Unlawful Seizure of Aircraft, supra note 18, arts. 4, 8, 10 (listing offenses States must criminalize; stating that “[t]he offense shall be deemed to be included as an extraditable offense in any extradition treaty existing between Contracting States;” and promoting “the greatest measure of assistance” in criminal proceedings); Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, supra note 18, arts. 1, 8, 11 (specifying offenses;
American Convention Against Corruption in Caracas, Venezuela, in 1996, and its entry into force the following year, corruption became a crime of concern within the Hemisphere, too. As a practical matter, cooperation was subject- and case-specific and did not encourage Member States to examine common impediments to combating crime generally.

providing that “[t]he offences shall be deemed to be included as extraditable offences in any extradition treaty existing between Contracting States;” and promoting the “greatest measure of assistance” in criminal proceedings; Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, supra note 18, arts. 2, 8, 10 (specifying offenses; deeming offenses “included” into existing bilateral extradition treaties; repeating axiom of “greatest measure of assistance”); International Convention Against the Taking of Hostages, supra note 18, arts. 1, 10, 11 (obligating States to make certain acts crimes; including offenses into bilateral extradition treaties; incorporating mandate to afford “greatest measure of assistance”); Convention on the Physical Protection of Nuclear Material, supra note 18, arts. 7, 11, 13 (criminalizing particular acts; amending bilateral extradition treaties to include offenses; requiring Parties to provide “greatest measure of assistance” to each other); Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, supra note 18, arts. 3, 11, 12 (identifying offenses; stating that offenses are “included” in bilateral extradition treaties; echoing maxim of “greatest measure of assistance”); International Convention for the Suppression of Terrorist Bombings, supra note 18, arts. 2, 9, 10 (noting offenses; deeming offenses included in bilateral extradition treaties; stating that State shall afford each other “greatest measure of assistance”); United Nations Convention for the Suppression of Terrorist Financing, supra note 18, arts. 2, 11, 12 (specifying offenses; using inclusion language for specified offenses; referring to “greatest measure of assistance”); see also Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances arts. 3, 6, 7, opened for signature Dec. 20, 1988, 28 I.L.M. 493, available at http://www.unodc.org/pdf/convention_1988_en.pdf (sanctions and offenses; extradition; mutual assistance in criminal matters); Inter-American Convention Against Terrorism, supra note 18, arts. 2, 9 (relying on definitions set forth in U.N. conventions; providing for “greatest measure” of “expeditious” assistance).

20. Cleptocracy is of particular concern throughout the Hemisphere. See generally Special Session of the Summit of the Americas, Jan. 12-13, 2004, Monterrey, Mex., Declaration of Nuevo León, available at http://www.summit-americas.org/Special Summit/declaration_monterrey-eng.htm (follow appropriate “Declaration of Nuevo León” hyperlink). Drawing attention to combating corruption provides important political support to a crime that has adversely impacted multiple countries throughout the Hemisphere directly. See Inter-American Convention Against Corruption art. XIV, OAS, Mar. 29, 1996, 35 I.L.M. 724 (promoting assistance and cooperation among State Parties).

21. A case-specific approach provides Member States with concrete examples to identify impediments and promote discussion to overcome them – with respect to that particular case. Focusing on multiple cases enables Member States to identify common issues and seek resolution to ensure the broadest form of assistance to combat crime, a theme that surfaces throughout the REMJAs. See supra notes 7-8, 10 (identifying conclusions and recommendations of REMJAs III, IV & V); see also U.S. STATE DEP’T, INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT, Chp. IV (2005), available at http://www.state.gov/p/inl/rls/nrcrpt/2005/vol1/html/42364.htm (highlighting Binational Commission and drawing attention to Senior Law
Two instruments within the OAS provided more general bases to promote law enforcement cooperation efforts, particularly in the areas of extradition and mutual assistance. The Inter-American Convention on Extradition was signed in Caracas, Venezuela, in 1981, and came into force in 1992. The treaty includes a dual criminality provision, provided that the offense for which extradition is sought is punishable by "at least two years of deprivation of liberty." Like the OAS extradition treaty, the OAS mutual legal assistance treaty (OAS MLAT) offers Member States a legal basis to provide a broad measure of assistance in criminal matters. The OAS MLAT was signed in 1993 in Managua, Nicaragua, and entered into force in 1996. An Optional Protocol to the OAS MLAT was negotiated and signed in Managua, Nicaragua, in 1993, but it has not yet entered into force.

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22. Extradition and mutual assistance play pivotal roles in promoting formal cooperation efforts between States. The United States has bilateral extradition treaties with all active Member States of the OAS and with many other countries throughout the world. See 18 U.S.C. § 3181 (2005) (identifying extradition treaties between United States and other countries). The United States also has bilateral treaties to promote mutual assistance in criminal matters with many countries in the Hemisphere. U.S. Dep't of Justice, Criminal Tax Manual, MLATs Currently in Effect § 41.00, available at http://www.usdoj.gov/tax/readingroom/criminal/taxc41.htm#41.02. The number of extradition treaties to which the United States is a Party exceeds the number of mutual assistance treaties to which the United States is a Party.


24. Id., art. 3 (providing condition of "penalty of not less than two years of deprivation of liberty under the laws of both the requesting State and requested State").

25. OAS, Inter-American Convention on Mutual Assistance in Criminal Matters arts. 2, 7, May 23, 1992, S. Treaty Doc. No. 105-25 (1997), O.A.S.T.S. No. 75, available at http://www.oas.org/juridico/english/Treaties/a-55.html [hereinafter OAS MLAT] (promoting assistance in "investigations, prosecutions, and proceedings that pertain to crimes over which the requesting state has jurisdiction at the time the assistance is requested" and explaining that assistance includes, among other things, "taking of testimony or statements from persons," "searches or seizures," and "transmittal of documents, reports, information, and evidence").

26. See id.

In the absence of multilateral bases to promote law enforcement cooperation, Member States relied on bilateral instruments between them or respective domestic bases, such as reciprocity or comity, to promote law enforcement cooperation. The United States, for instance, has bilateral extradition treaties with all OAS Member States and mutual legal assistance treaties with many of the OAS Member States. Other Member States, such as Argentina, Brazil, Canada, Colombia, and Mexico, have entered into similar bilateral treaties. Apart from extradition and mutual legal assistance treaties, Member States may rely on other kinds of agreements, such as tax treaties, customs agreements, or other executive agreements between and among the various Member States to promote assistance in specific law enforcement matters.

Multilateral or bilateral instruments aside, specific programs of the United Nations and the OAS have provided Member States with opportunities to advance law enforcement cooperation efforts. The United Nations Office on Drugs and Crime, for instance, promotes seminars to foster cooperation.

28. Domestic legislation often provides a basis to assist as a matter of comity or through reciprocity. For the United States, 28 U.S.C. § 1782 illustrates this point. This provision enables the "district court of the district in which a person resides or is found [to] order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal, including criminal investigations conducted before formal accusation. The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon the application of any interested person and may direct that the testimony or statement be given, or the document or thing be produced, before a person appointed by the court." 28 U.S.C. § 1782 (2005).

29. See supra note 22 and accompanying text (identifying U.S. bilateral assistance relationships).


31. See supra note 22 (noting existence of tax treaties between United States and Member States).

32. That the intergovernmental organizations at the universal, regional, and subregional levels are discussing law enforcement cooperation and institutionalizing mechanisms to promote cooperation underscores States’ acknowledgment that collaborative action is necessary to combat offenses that impact a State’s existence directly. See infra notes 33-35 and accompanying text (identifying examples of cooperation at these different levels).

33. In 1991, the United Nations created the United Nations International Drug Control Programme (UNDCP). Its successor organization, the United Nations Office on Drugs and Crime (UNODC), was created in 1997, but did not absorb the functions of the UNDCP until 2002. Based in Vienna, the UNODC is now an umbrella organization, having absorbed the tasks of the UNDCP and taking on additional responsibilities. Within the United Nations, the UNODC assists Member States in
cies, such as the Inter-American Commission to Combat Drugs (CICAD) and the Inter-American Commission to Combat Terrorism (CICTE), have encouraged similar initiatives. Sub-regional activities through the Andean Community, the Caribbean Community (CARICOM), the Caribbean Financial Action Task Force (CFATF), the South American Financial Action Task Force (GAFISUD), MERCOSUR, and the System for Integrating Central America (SICA) can also advance law enforcement cooperation efforts.


34. See supra note 4 and accompanying text (identifying CICAD and CICTE, two OAS agencies tasked with Hemispheric responsibility to address drugs and terrorism issues, respectively).

35. The Andean Community is a sub-regional intergovernmental organization, currently composed of five states: Bolivia, Colombia, Ecuador, Peru, and Venezuela. Through the Andean System of Integration (SAI), the Member States, in the context of a common market, strive to take a collaborative approach toward foreign policy and coordinate their domestic policies to that end. See Quiénes Somos - Comunidad Andina, http://www.comunidadandina.org/quienes.asp (last visited Dec. 2, 2005) (describing aims of Andean Community). With the free movement of people and goods between and among participating States, law enforcement plays an important role in the Andean Community. See Unión Aduanera - Comunidad Andina, http://www.comunidadandina.org/union.asp (last visited Dec. 2, 2005) (clarifying common customs area of the community).


By their very nature two specific task forces, one in the Caribbean, the other in South America, seek to promote law enforcement cooperation within respective regions of the hemisphere. The first, the Caribbean Financial Action Task Force (CFATF) was created in 1989. That year, the Group of Seven (G-7) established a Financial Action Task Force on Money Laundering (FATF) to support the objectives of the 1988 United Nations Conventions Against the Illicit Traffic in Narcotics and Psychotropic Substances. See supra note 19 (referring to 1988 U.N. Convention). The FATF generated forty recommendations, including the creation of CFATF, which is composed of thirty states of the Caribbean basin, and has as its main objective, the “implementation of and compliance with its recommendations to prevent and control
III. REMJA

A. Origin, Status within the OAS, and Structure

But for crime-specific collaborative entities, such as the CICAD, no entity existed within the OAS to marshal the disparate discussions and isolated initiatives with the aim of facilitating exchange and providing direction for what might serve as a broader, collective understanding to combat not just specific crimes but rather cross-border, or transnational, crimes generally. Decision-makers began to understand that relying on Foreign Ministers and other diplomats to address practical law enforcement matters did not advance concrete solutions. During the Twenty-Seventh Regular Session of the General Assembly in Lima, Peru, the General Assembly adopted a resolution declaring the importance of holding a meeting of Member States’ highest justice representatives, now recognized as REMJA-I. Its aim


Much like Member States of the Andean Community, Central American countries (Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama) recently took action to integrate their domestic and foreign policies under the Sistema de Integración de Centroamérica [Central American Integration System] (SICA). The effort has faced obstacles, but will likely include a component on law enforcement cooperation. Finally, like the Andean Community, CARICOM, and SICA, the Mercado Común del Sur (MERCOSUR) has economic integration as a principle aim. See MERCOSUR, La Secretaria de MERCOSUR, http://www.mercosur.org.uy (last visited Dec. 2, 2005) (follow “Bienvenidos” hyperlink; then follow “Quiénes Somos” hyperlink). Members include Brazil, Paraguay, Uruguay, and Argentina. As with the other intergovernmental organizations, law enforcement cooperation plays a role in their collective actions.

36. See supra notes 17-21 and accompanying text (drawing attention to crime-specific efforts to promote law enforcement cooperation throughout Hemisphere).

37. See AG/RES. 1482, supra note 1 (underscoring the “importance of holding a meeting of ministers of justice, or of ministers or attorneys general with competence in this area, to consider issues contributing to enhanced legal and judicial cooperation in the Americas”). Moreover, the premise behind establishing central authorities in criminal matters and promoting direct communication between them, for instance, illustrates this point. States recognize that their interests are furthered by permitting experts to communicate directly with each other. See OAS MLAT, supra note 25, art. 3 (establishing central authorities and promoting direct contact between them).

38. See AG/RES. 1482, supra note 1.
was to ensure that those specifically tasked with addressing justice matters within the respective Member States would begin to meet and discuss how best to cooperate in the broadest sense of the word, so that each Member State could make appropriate domestic changes to overcome impediments to cross-border cooperation.\(^\text{39}\)

The success of REMJA-I emboldened Heads of State and Government throughout the Hemisphere to voice their support for REMJA during the Second Summit of the Americas in Santiago, Chile.\(^\text{40}\) That Summit's Plan of Action obligated Member States to "[s]upport the convening of periodic meetings of Ministers of Justice and Attorneys General of the Hemisphere within the framework of the Organization of American States (OAS)."\(^\text{41}\)

Within months, the General Assembly, during its Twenty-Eighth Regular Session, called for the Second Meeting of the Ministers of Justice or of Ministers or Attorneys General of the Americas.\(^\text{42}\) Taking into account the Summit Plan of Action, the General Assembly acknowledged that REMJA-II should be "held within the OAS framework" and added that it should receive "technical assistance" from the OAS General Secretariat.\(^\text{43}\) Successive General Assembly resolutions adopted similar language.\(^\text{44}\)

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39. See id. (noting that "it is necessary for member states to reaffirm their full support for the progressive development and codification of international law, for dissemination of information thereon in the framework of the Organization of American States, and for measures allowing greater inter-American legal cooperation").


42. See OAS, Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, AG/RES. 1562 (XXVIII-O/98) (June 2, 1998), available at http://www.oas.org/juridico/english/ga-res98/eres1562.htm (calling attention to the Second Summit of the Americas and the support the Heads of State and Government gave to REMJA-I and its conclusions and recommendations).

43. See OAS, Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, AG/RES. 1924 (XXXIII-O/03) (June 10, 2003), available at http://www.oas.org/juridico/english/ga03/agres_1924.htm.

44. See OAS, Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, AG/RES. 2040 (XXXIV-O-04) (June 8, 2004), available at http://www.oas.org/juridico/english/ga04/agres_2040.htm (noting Third Summit of the Americas supported the "work done in the context of the Meetings of Ministers of Justice or of
Though it exists "within the OAS framework," the REMJA is not an organic body of the OAS.\textsuperscript{45} Nor is REMJA an OAS agency, like CICAD, CICTE, or the Inter-American Commission for Women (CIM).\textsuperscript{46} The Permanent Council is regularly tasked with fixing the location and date, as well preparing the agenda for the REMJA,\textsuperscript{47} but the Permanent Council through its Committee on Political and Juridical Affairs (CAJP) does not oversee the REMJA per se.\textsuperscript{48} The Permanent Council, however, does receive

Ministers or Attorneys General of the Americas (REMJA) and the implementation of their conclusions and recommendations”).


46. See supra note 4 and accompanying text (describing two independent agencies of the OAS); see also Inter-American Commission of Women [CIM], About, http://www.oas.org/cim/English/About.htm (last visited Dec. 2, 2005) (identifying CIM as a specialized organization of the OAS).

47. See AG/RES. 1482, supra note 1 (identifying first General Assembly resolution to instruct the Permanent Council to prepare the agenda and convene REMJA-I); see also OAS, Date of the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-V), CP/RES. 856 (1395/04) (Jan. 27, 2004), available at http://www.oas.org/consejo/resolutions/res856.asp; OAS, Date of the Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, CP/RES. 802 (1299/01) (Nov. 7, 2001), available at http://www.oas.org/consejo/resolutions/res802.asp; OAS, Adoption of the Agenda for the Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, CP/RES. 809 (1307/02) (Feb. 13, 2002), available at http://www.oas.org/consejo/resolutions/res809.asp; OAS, Determination of the Date for the Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, CP/RES. 754 (1207/99) (Oct. 25, 1999), available at http://www.oas.org/consejo/resolutions/res754.asp; OAS, Adoption of the Draft Agenda for the Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, CP/RES. 766 (1222/00) (Feb. 11, 2000), available at http://www.oas.org/consejo/resolutions/res766.asp.


48. The Committee on Political and Juridical Affairs (CAJP) is one of several committees that supports the work of the Permanent Council. One of its areas of responsibility is to follow the REMJA and the REMJA process. Neither the Committee on Political and Juridical Affairs nor the Permanent Council directs the REMJA to do anything per se. In practice, the General Assembly routinely welcomes the conclusions and recommendations of the REMJA. See supra note 47, infra note 112 and accompanying text (referring to resolutions that support REMJA). Theoretically, the Ministers could reject a proposed agenda and craft one anew during the actual meeting. In practice, this has not occurred.
the conclusions and recommendations of a REMJA and then crafts resolutions on them for the General Assembly's consideration. 49 Though the General Secretariat offers technical support and assistance to the REMJA through its Office of Legal Cooperation, 50 the REMJA has neither a designated Secretariat, nor a staffed support structure. 51 REMJA initiatives are routinely dependent on the participation of Member States and the availability of the Office of Legal Cooperation. 52

Recent meetings suggest that the REMJA will continue to meet on a bi-annual basis. 53 Different Member States generally host the REMJA, though the OAS Secretariat sponsored REMJA-V. 54 A working group of interested representatives of the various Member States usually generates a proposed agenda for adoption by the Permanent Council. 55 One chair and two or three vice-

49. Crafting the resolutions on REMJA in the Permanent Council does not include recommending any changes to the content of the proposed conclusions and recommendations. See supra note 47 (identifying multiple Permanent Council resolutions that adopted conclusions and recommendations of various REMJAs).


52. See infra notes 58, 136-42, 152 and accompanying text (identifying examples of Member States’ contributions to REMJA and their technical components). That REMJA initiatives are dependent on particular Member States is a common consequence of projects within an inter-governmental organization.

53. While REMJAs III and IV took place within 12 months of each other, timing between REMJAs has generally been two years. See infra note 58 (identifying dates and places for each REMJA). REMJA-III was originally scheduled to take place in 2001, but was delayed after the attacks on New York and Washington, D.C., on September 11, 2001. See CP/RES. 802, supra note 47.

54. See supra note 47 (referring to Permanent Council resolution, CP/RES. 856, which convoked REMJA-V).

55. As noted, supra note 48, the Committee on Political and Juridical Affairs of the Permanent Council (CAJP) generally maintains responsibility within the OAS to track the REMJA and ensure that REMJA directives, or mandates, receive appropriate attention. Technical discussions about the directives, or mandates, often find themselves better addressed in working groups of the CAJP. Some can occur in ad hoc working groups or in the Working Group on Mutual Legal Assistance and Extradition. See Mutual Legal Assistance in Criminal Matters and Extradition, http://www.oas.org/juridico/mla/en/index.html (last visited Feb. 16, 2005). The Working
chairs preside over the event. The first course of business tends to be the adoption of the agenda. The REMJA usually takes place over a three-day period. Delegations are generally given ample time to discuss the many issues that arise during the REMJA, and other OAS organs or entities may appear before the REMJA to report on law enforcement initiatives that are taking place within their respective spheres. The REMJA often approves the establishment of a concurrent working group, which serves to fashion proposed conclusions and recommendations for the Ministers and Attorneys General. The Ministers’ and Attor-

Group came out of REMJA-III’s mandate to promote an information exchange network. In practice, it works in tandem with other REMJA ad hoc working groups and each follows up on the discussions of the other. For example, within the CAJP, working group participants tend to make decisions by consensus, which are presented to the full CAJP for review and, if appropriate, adoption.

56. Regulations do not exist to explain, for instance, whether the chair of a particular REMJA in effective serves in the capacity for the particular REMJA or whether that person in effective continues in that capacity until a successor chair is elected at a subsequent REMJA. See infra note 124 (describing understanding of chair’s authority between REMJAs).


58. REMJA-I took place in Buenos Aires, Argentina, between December 1 to 3, 1997. REMJA-II took place in Lima, Peru, between March 1 to 3, 1999. REMJA-III took place in San José, Costa Rica, between March 1 to 3, 2000. REMJA-IV took place in Port-of-Spain, Trinidad and Tobago, between March 10 to 13, 2002. REMJA-V took place at the OAS Headquarters in Washington, D.C., between April 28 to 30, 2004. See supra note 47 (identifying OAS resolutions to establish dates and locations of REMJAs).

59. During REMJA-V, representatives from the CICAD, CICTE, CIFTA, and CIM made presentations before the REMJA. See Conclusions and Recommendations of REMJA-V, supra note 10 and accompanying text (noting presentations of OAS agencies and entities).

60. Representatives from the respective delegations do not convene immediately, but rather after the participants begin their interventions and a sense of the REMJA is established. The representatives then will work concurrently with the REMJA and often beyond the days’ adjournment to ensure that the sense of the REMJA is reflected within the final points of the document.
neys General's final act is to adopt conclusions and recommendations.\textsuperscript{61}

\section*{B. REMJAs I to III}

Pursuant to a General Assembly resolution, the Permanent Council convened REMJA-I in 1997.\textsuperscript{62} It took place in December of that year, in Buenos Aires, Argentina.\textsuperscript{63} During REMJA-I, the Ministers and Attorneys General discussed rules of law, modernizing and strengthening justice systems, combating corruption and organized crime, prison policy, and cooperation agreements in the Americas.\textsuperscript{64} The Ministers and Attorneys General concluded their Meeting by making a number of recommendations, many of which concerned strengthening rule of law throughout the Hemisphere, improving cooperation, and exchanging information and experiences.\textsuperscript{65}

The following General Assembly directed the Permanent Council to convene REMJA-II. REMJA-II took place in March 1999, in Lima, Peru.\textsuperscript{66} Access to justice and training topped the agenda, and law enforcement cooperation and prison policy were renewed topics of discussion.\textsuperscript{67} Recommendations focused on preparing for the proposed Justice Studies Center and combating cybercrime.\textsuperscript{68} Recommendations also centered on law enforcement

\begin{itemize}
  \item \textsuperscript{61} See Conclusions and Recommendations of REMJA I, supra note 57; Conclusions and Recommendations of REMJA-II, supra note 57; Conclusions and Recommendations of REMJA-III, supra note 7; Conclusions and Recommendations of REMJA-IV, supra note 8; Conclusions and Recommendations of REMJA-V, supra note 10.
  \item \textsuperscript{62} See supra note 1.
  \item \textsuperscript{63} See Conclusions and Recommendations of REMJA-I, supra note 57.
  \item \textsuperscript{64} Id.
  \item \textsuperscript{65} Following the example of REMJA-I, each REMJA has since issued its own conclusions and recommendations, often building on those of its predecessor. See supra note 57 (referring to the conclusions and recommendations of REMJA-II) and notes 7-8, 10 (referring to the conclusions and recommendations of REMJAs III, IV and V, respectively).
  \item \textsuperscript{66} See supra note 58 (referring to dates and locations of REMJAs).
  \item \textsuperscript{67} See supra note 57 (referring to Conclusions and Recommendations of REMJA-II).
  \item \textsuperscript{68} The Plan of Action of the Second Summit of the Americas called on governments throughout the Hemisphere to "expedite the establishment of a justice studies center of the Americas, which will facilitate training of justice sector personnel, the exchange of information and other forms of technical cooperation in the Hemisphere, in response to particular requirements of each country. To this end, they request the Ministers of Justice or other competent authorities to analyze and define the most suitable actions for the organization and establishment for such a center." Second Summit of the Americas Plan of Action, supra note 41.
\end{itemize}
cooperation, including extradition, and prison and penitentiary policy.\textsuperscript{69}

The Twenty-Ninth General Assembly called for REMJA-III, which the Permanent Council subsequently convened.\textsuperscript{70} The Meeting took place in March 2000, in San José, Costa Rica.\textsuperscript{71} Receiving principal attention were efforts to combat cybercrime, promote extradition and mutual assistance in criminal matters, and to harmonize prison and penitentiary policy.\textsuperscript{72} Access to justice and the Justice Studies Center were also topics of discussion.\textsuperscript{73} Recommendations again emphasized cooperation in combating cybercrime, information exchange to improve mutual assistance in criminal matters, and prison and penitentiary policy.\textsuperscript{74} The Ministers and Attorneys General also heard their first report from the Justice Studies Center Board of Directors.\textsuperscript{75}

C. REMJA-IV

REMJA-IV took place in March 2002, in Port-of-Spain, Trinidad and Tobago.\textsuperscript{76} The Permanent Council had convened the Meeting based on a resolution of the Thirtieth General Assembly.\textsuperscript{77} REMJA-IV took place approximately six months after the terrorist attacks on New York City and Washington, D.C., and the tenor of the meeting reflected that reality.\textsuperscript{78} Ministers and Attorneys General emphasized the political, economic, and social dam-

\textsuperscript{69} See supra note 7-8, 10 (referring to the conclusions and recommendations of REMJAs III-V).
\textsuperscript{70} See supra note 47 (noting Permanent Council resolution, CP/RES. 754, that convened REMJA-III).
\textsuperscript{71} See supra note 58 (identifying dates and locations of REMJAs).
\textsuperscript{72} See supra note 7 (referring to Conclusions and Recommendations of REMJA-III).
\textsuperscript{73} Promoting the Justice Studies Center was part and parcel of early REMJAs. See supra note 1 (noting that principal aims of REMJA-I embodied objectives of Justice Studies Center). The Justice Studies Center statute makes it subject to the REMJA, yet the most recent REMJA underscores that practical law enforcement initiatives, particularly in a post-9/11 environment, are receiving more attention. Compare Conclusions and Recommendations of REMJA-V, supra note 10 with Conclusions and Recommendations of REMJA-I, supra note 57 (illustrating that the Justice Studies Center is now a component, rather than the focus, of REMJAs).
\textsuperscript{74} See Conclusions and Recommendations of REMJA-III, supra note 7.
\textsuperscript{75} Id.
\textsuperscript{76} See supra note 58 (referring to dates and locations of REMJAs).
\textsuperscript{77} See Conclusions and Recommendations of REMJA-IV, supra note 8.
age transnational organized crime, including terrorism, can cause and accordingly underscored the need to strengthen and enhance mutual assistance at a Hemispheric level.\textsuperscript{79} They emphasized the need to develop a strategy “to join forces to combat the various manifestations of international crime,”\textsuperscript{80} a goal in line with a commitment arising from the Third Summit of the Americas.\textsuperscript{81}

The Ministers and Attorneys General discussed the need to convene a group of experts in the area of mutual assistance in criminal matters to draw up the proposed strategy.\textsuperscript{82} Their aim was to “consolidate and enhance” mutual assistance to combat “various manifestations of transnational crime.”\textsuperscript{83} They expected the proposal to be comprehensive by specifying particular measures and defining related goals.\textsuperscript{84} They wanted a review of the progress being made, not only within their respective realms of responsibility, but also within other Hemispheric organs or fora, such as the CICAD, CICTE, CIM, the Conference of State Parties of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunitions, Explosives, and Other Related Materials (CIFTA), and the Follow-Up Mechanism of Parties to the Inter-American Convention Against Corruption (MESISIC), as well as within the United Nations and sub-regional organizations.\textsuperscript{85} Finally, the Ministers and Attorneys General wanted to ensure that the proposal would take into account the “necessity and advisability” of establishing and improving a Hemispheric information exchange network for mutual assistance in criminal matters.\textsuperscript{86} The conclusions and recommendations reflected these initiatives, along with others related to cybercrime and alternative dispute resolution.\textsuperscript{87}

\textsuperscript{79} See Conclusions and Recommendations of REMJA-IV, supra note 8.
\textsuperscript{80} Id.
\textsuperscript{81} See supra note 15 (referring to Summit of Americas process)
\textsuperscript{82} See Conclusions and Recommendations of REMJA-IV, supra note 8 (including mandate to draft Hemispheric Plan of Action to combat transnational organized crime).
\textsuperscript{83} Id.
\textsuperscript{84} Id.
\textsuperscript{85} Id.; see also supra note 4 (identifying CICAD and CICTE).
\textsuperscript{86} See Conclusions and Recommendations of REMJA-III, supra note 7 (supporting Hemispheric information exchange network).
\textsuperscript{87} Unlike extradition, mutual assistance, cybercrime, and prison and penitentiary policy, alternative dispute resolution has not been a reoccurring theme within the REMJAs. Compare Conclusions and Recommendations of REMJA-I, supra note 57, Conclusions and Recommendations of REMJA-II, supra note 57, and Conclusions and Recommendations of REMJA-III, supra notes 7, 57 with Conclusions
D. Experts' Meeting

With a mandate to meet “as soon as possible,” experts in the area of mutual assistance in criminal matters from various Member States met in Ottawa, Canada, in May 2003, to discuss the proposal created in REMJA-IV. Over two-and-a-half days, the experts focused on how best – as a practical matter – to promote law enforcement cooperation efforts, including a discussion on promoting an information exchange network. The experts underscored the need to establish central authorities for assistance in criminal matters and the need to promote efficient and effective assistance in the most expeditious manner possible. They focused on providing the broadest measure of assistance possible to combat all forms of transnational crime, including terrorism, transnational organized crime, and money laundering.

E. REMJA-V

Pursuant to a General Assembly resolution, the Permanent Council convened REMJA-V to take place in April 2004, at the OAS Headquarters in Washington, D.C. The Ministers and Attorneys General placed special emphasis on cooperating to combat transnational organized crime and terrorism, and also discussed mutual assistance in criminal matters, penitentiary and prison policies, cybercrime, trafficking in persons, violence against women, and Justice Studies Center initiatives. The Ministers

and Recommendations of REMJA-IV, supra note 8 and Conclusions and Recommendations of REMJA-V, supra note 10.

88. See supra note 47 (providing reference to appropriate Permanent Council resolution, CP/RES 802, that convoked meeting).
89. See id. (convoking technical meetings); see also infra note 106 (providing link to within OAS site and giving context to its role and significance within REMJA).
90. See supra note 9 (making reference to the Ottawa Experts' Report).
91. Id.
92. See supra note 47 (referring to specific Permanent Council resolution, CD/RES 856, which convoked the meeting).
94. Trafficking in persons and violence against women appeared for the first time on a REMJA agenda. Compare Conclusions and Recommendations of REMJA-I, supra note 57, Conclusions and Recommendations of REMJA-II, supra note 57, Conclusions and Recommendations of REMJA-III, supra note 7, and Conclusions and Recommendations of REMJA-IV, supra note 8 with Conclusions and Recommendations of REMJA-V, supra note 10 (concluding that trafficking in persons should continue to be discussed within the REMJA and even calling for a special Hemispheric conference to address this important topic in a meeting of “national authorities”). See infra note 140 (noting that meeting of “national authorities” took place in Venezuela, in March 2006).
and Attorneys General generated a detailed list of conclusions and recommendations for each area of discussion. They placed particular emphasis on cooperation efforts, adopting the Conclusions and Recommendations of the Meeting of Central Authorities and Other Experts in Mutual Legal Assistance in Criminal Matters in its entirety. In addition, they supported subsequent experts' meetings and decided that extradition also be discussed during the next experts' meeting. Also important for cooperation initiatives was their decision to adopt the information exchange network. Stepping back from the conclusions and recommendations of REMJA-IV, the Ministers and Attorneys General agreed to consider the advisability of establishing a Hemispheric Plan of Action to combat transnational organized crime, rather than considering and approving a particular Plan as previously tasked.

F. Plan of Action to Combat Transnational Organized Crime

In April 2005, a group of experts met to discuss the advisability of establishing a Hemispheric Plan of Action to Combat Transnational Organized Crime. The experts met for two days to consider the need for a Hemispheric Plan. The experts concluded that adopting a plan was appropriate, but underscored that until such a plan is adopted, the Secretary General of the OAS,

95. The conclusions and recommendations of REMJA-V differ markedly from the conclusions and recommendations of previous REMJAs. The conclusions and recommendations of REMJA-V offer focus and an attention to practical detail. See Conclusions and Recommendations of REMJA-V, supra note 10.
96. Adopting the conclusions and recommendations of the meeting of the central authorities and other experts in criminal matters underscores the key role that group plays in addressing practical needs to promote cooperation throughout the Hemisphere and in setting the stage for the subsequent REMJA. Compare Ottawa Experts' Report, supra note 9, with Conclusions and Recommendations of REMJA-V, supra note 10. The Second Meeting of the Central Authorities and Other Experts in Criminal Matters took place in Brasilia, Brazil, between September 1 to 3, 2005. See Conclusions and Recommendations of REMJA-V, supra note 10.
97. Id.
98. Id.
99. REMJA-IV clearly established a directive, or mandate, to establish a Hemispheric Plan of Action to combat transnational organized crime. REMJA-V, however, elected to step back from the previous directive and task experts to determine the advisability of whether a Hemispheric Plan of Action should be adopted. The experts convened in April 2005 and recommended the adoption of a plan. Compare Conclusions and Recommendations of REMJA-IV, supra note 8, with Conclusions and Recommendations of REMJA-V, supra note 10.
100. See supra note 12 (focusing on experts' meetings to discuss advisability of Hemispheric Plan of Action to Combat Transnational Organized Crime).
101. Id.
particularly through a Special Joint Committee, should be able to take immediate action to coordinate law enforcement cooperation initiatives within the OAS and among the various Member States. The General Assembly incorporated the conclusions and recommendations of the Meeting of Government Experts, which gave emphasis to immediate "cooperative action in [the area of combating transnational organized crime] from the time of the establishment" of the Special Joint Committee.

IV. Successes

Within the OAS, REMJA is playing a greater role to promote and strengthen law enforcement cooperation throughout the Hemisphere, and REMJA's importance deserves attention.

102. The merits of this approach are important. On a political level, experts recognized the mandate of REMJA-IV and the new aim of REMJA-V to recommend the advisability of a Plan. Compare Conclusions and Recommendations of REMJA-IV, supra note 8, with Conclusions and Recommendations of REMJA-V, supra note 10. On a practical level, the experts acknowledged that developing a Plan should not impede immediate action on initiatives that required no nexus to a Plan. See supra note 12 (directing Secretary General to take immediate action once Special Joint Committee is created). Moreover, the experts insisted that any Hemispheric initiative should in no way duplicate the efforts taking place elsewhere, such as those under the auspices of the United Nations. See id. ("Efforts undertaken at the United Nations to combat transnational organized crime should not be duplicated at the hemispheric level.")

103. The Special Joint Committee is comprised of the Committee on Hemispheric Security and the Committee on Juridical Affairs, both of the Permanent Council. See Transnational Organized Crime Experts' Meeting, supra note 12; see also OAS, Permanent Council of the OAS, About the Council, http://www.oas.org/consejo/overview.asp (last visited April 6, 2006). The first committee has primary responsibility within the OAS to follow the issue of transnational organized crime. See OAS, Permanent Council of the Organization of American States, Committee on Hemispheric Security, http://www.oas.org/main/english (follow "Structure" hyperlink; then follow “Committee on Hemispheric Security” hyperlink) (last visited Feb. 16, 2006) (identifying areas of responsibility for committee, including OAS efforts to combat transnational organized crime). The second committee is primarily tasked with following the REMJA. See supra note 48 (referring to CAJP and its role in context of REMJA); see also OAS, Permanent Council of the Organization of American States, Committee on Political and Juridical Affairs, http://www.oas.org/main/english (follow “Structure” hyperlink; then follow “Committee on Political and Juridical Affairs” hyperlink) (last visited Feb. 16, 2006) (identifying CAJP's areas of responsibility, including REMJA initiatives). Including both within the Special Joint Committee ensures full participation of appropriate participants. See supra note 102 (highlighting merits of experts' approach from political and practical perspectives). The experts also provided that "government experts" could participate in the Special Joint Committee. Id. Neither the experts' conclusions and recommendations nor resolutions of the Permanent Council or General Assembly define government experts.

104. Other OAS agencies and entities appreciate the growing importance of the REMJA and have begun to rely on its conclusions and recommendations to support
Since the creation of REMJA, Member States that had not previously done so have ratified and begun to implement universal and regional multilateral instruments to promote assistance in criminal matters. REMJA called for Member States to participate in their own particular initiatives. See CIFTA, Fifth Regular Meeting of the Consultative Committee, May 10, 2004, Work Program 2004-2005, OEA/Ser.I/XXII.2.5/CIFTA/CC_V/doc.4/04 rev. 1, ¶ 9 (May 13, 2004), available at http://www.oas.org/juridico/english/work_program_04_05.pdf (promoting "active participation by the states parties in the information exchange network between central authorities created under the umbrella of REMJA to strengthen mutual legal assistance in criminal matters"); Recommendations of the Meeting of Experts on Cooperation with Respect to the Denial of Safe Haven to Corrupt Officials and Those Who Corrupt Them, Their Extradition, and the Denial of Entry and Recovery of the Proceeds of Corruption and Their Return to Their Legitimate Owner, Mar. 29, 2005), OEA/Ser.K/XLI.1/REXCOR/doc.2/05 rev. 1, available at http://www.oas.org/juridico/english/ rexcor_recomend_en.pdf (requesting that experts on mutual legal assistance in criminal matters formulate "concrete recommendations to strengthen hemispheric cooperation" to combat terrorism); see also OAS, Observations and Recommendations on the Annual Report of the Inter-American Drug Abuse Control Commission, AG/RES. 2098 (XXXV-O/05), ¶ 7(d), available at http://www.oas.org/XXXVGA/docs/ENG/2098.doc (June 7, 2005) (directing CICAD to "strengthen its cooperation and exchange of information with the various inter-American committees and mechanisms," including the Working Group on Mutual Legal Assistance in Criminal Matters of the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA)).

105. REMJA-V was the first REMJA to provide an accounting of Member States' ratification of key international agreements. Compare Conclusions and Recommendations of REMJA-I, supra note 57, Conclusions and Recommendations of REMJA-II, supra note 57, Conclusions and Recommendations of REMJA-III, supra note 7, and Conclusions and Recommendations of REMJA-IV, supra note 8, with Conclusions and Recommendations of REMJA-V, supra note 10.

Member States nonetheless have been ratifying many of the salient conventions since the REMJA process began, particularly since 9/11. See Convention on Offenses and Certain Other Acts Committed on Board Aircraft, supra note 18 (thirty-two Member States are Party to the Convention, all but one pre-REMJA); Convention for the Suppression of Unlawful Seizure of Aircraft, supra note 18 (thirty-two Member States are Party, all but one pre-REMJA); Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, supra note 18, (thirty-two Member States are Party, all but one pre-REMJA); Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, supra note 18, (twenty-eight Member States, six since REMJA-I); International Convention Against the Taking of Hostages, supra note 18 (twenty-seven Member States, six since REMJA-I); Convention on the Physical Protection of Nuclear Material, supra note 18 (fifteen Member States, two since REMJA-I); Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supra note 18 (twenty-four Member States, seven since REMJA-I); Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, supra note 18 (eighteen Member States, eleven since REMJA-I); Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, supra note 18 (fifteen Member States, eighteen since REMJA-I); Convention on the Marking of Plastic Explosives for Purpose of Detection, supra note 18 (twenty-two Member States, eleven since REMJA-I); International Convention for the Suppression of Terrorist Bombings,
the information exchange network, and many Member States have responded with enthusiasm.\textsuperscript{106} A review of the website and supporting information illustrates the importance of this specific initiative.\textsuperscript{107} Similarly, the Meeting of Central Authorities and Other Experts on Mutual Legal Assistance in Criminal Matters has generated a greater level of interaction among appropriate Member States' points of contact to ensure that assistance is addressed in the most efficient, effective, and expeditious manner possible.\textsuperscript{108} REMJA has drawn attention to specific offenses that warrant greater attention, and it appears that Member States are taking action to address them.\textsuperscript{109} Recent efforts to combat transnational organized crime, including trafficking in persons, illustrate these points.\textsuperscript{110}

V. OBSERVATIONS AND RECOMMENDATIONS

Successes aside, structural, financial, and political challenges mean that those participating and supporting REMJA must remain steadfast to preserve the important practical initiatives


106. The Government of Canada has spearheaded this initiative and has done so with much financial and in-kind support. The project plays a significant role to advance cooperation at a very practical level between and among representatives of participating central authorities. \textit{See infra} note 107.


108. \textit{See Ottawa Experts' Report, \textsuperscript{supra} note 9}.

109. \textit{See \textsuperscript{supra} note 94, infra notes 110, 122, 139-40 and accompanying text (noting recent attention to additional offenses)}.

110. \textit{See \textsuperscript{supra} notes 12, 99-103, 106 (focusing on new Special Joint Committee and General Secretariat's authority to direct components to work together with the aim of maximizing resources and eliminating duplication of efforts)}. 
that REMJA promotes.\textsuperscript{111} Because REMJA is neither a standing OAS agency or entity, such as the CICAD, CICTE, and CIM Executive Secretariats, nor a treaty-based structure, like the MESISIC or the CIFTA's Conference of State Parties, REMJA's viability - by design - is completely dependent on OAS institutions, such as the Permanent Council.\textsuperscript{112} Through the Permanent Council's Committee on Political and Juridical Affairs,\textsuperscript{113} REMJA's agenda is drafted and approved, its conclusions and recommendations are promoted and tracked, and its components are directed and

\textsuperscript{111} The primary strength of REMJA is its ability to task appropriate experts to work together to overcome impediments to cooperation. \textit{See supra} notes 9, 96; \textit{infra} note 138.

\textsuperscript{112} Since its initial convocation, the Permanent Council has played a role in preparing the agenda, convening, and organizing REMJAs. \textit{See AG/RES. 1482, supra} note 1 (reporting the General Assembly's instruction to Permanent Council to "hold necessary consultations to prepare the agenda and to convene and organize the meeting"); \textit{see also} AG/RES. 1562 (XXVIII-O/98) (convening REMJA-II and instructing Permanent Council "to prepare the preliminary documents, set the date, and draw up the agenda for that meeting"); Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, AG/RES. 1781 (XXXI-O/91) (June 5, 2001) (convening REMJA-IV and instructing Permanent Council to prepare agenda and preliminary documents); Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, AG/RES. 1924 (XXXII-O/03) (June 10, 2003) (convening REMJA-V and instructing Permanent Council "to carry out the preparatory work"). Moreover, the Second Summit of the Americas effectively placed its imprimatur on that process because it called for additional REMJAs "within the framework of the OAS." Since then the General Assembly has repeatedly instructed the Permanent Council to convene the REMJA, prepare the agenda, and organize the meeting. \textit{See supra} note 47 (referring to Permanent Council resolutions fixing dates, locations, and agenda for REMJAs). This practice provides consistency, but to the extent it is dependent on Member States' representatives - usually career diplomats - preparatory documents, especially the agenda, tend to take on political tones. \textit{See infra} note 115 and accompanying text (highlighting diplomats' role in the process). Due to its obvious geographic proximity to the OAS Headquarters, the U.S. Department of Justice is uniquely positioned among the Member States' Justice Ministries to send a Justice attorney to select OAS meetings, conferences, or other events. The Government of Mexico, which has an accredited attorney from its Attorney General's Office, also sends a representative from time to time. As a result, it is often only during the REMJA itself that other countries will incorporate knowledgeable representatives with practical experience into the process.

\textsuperscript{113} Given its position within the organic structure of the OAS, the Permanent Council is ill-equipped to deal with quotidian matters, such as preparing an agenda and organizing a meeting. For that reason, the tasks are assigned to the Committee on Political and Juridical Affairs, which itself may create an ad hoc working group to develop the agenda and organize the meeting. \textit{See supra} notes 48, 55, 103 (discussing role of Committee on Political and Juridical Affairs in REMJA process). The recommendations of the working group do not bind the Committee, nor does the Committee's adoption, rejection, or modification of the working group's recommendations bind the Permanent Council. The Permanent Council's action effectively determines what will be presented before the REMJA. Any Minister or Attorney General, however, is free to seek to change the agenda.
observed.\textsuperscript{114} Regardless of their best intentions, Member States’ permanent or alternate representatives – routinely career diplomats – are insufficiently exposed to the practical aspects underlying the conclusions and recommendations of the REMJA or their governments’ instructions.\textsuperscript{115} The rotation of permanent and alternate representatives through positions generates lapses that can frustrate progress on particular collective aims.\textsuperscript{116} Moreover, the Office of Legal Cooperation of the General Secretariat and the Working Group on Mutual Assistance in Criminal Matters and Extradition supported by the Government of Canada provide the exclusive and crucial support to the REMJA.\textsuperscript{117} Meetings tend to be irregular, and competing responsibilities distract attention away from important REMJA mandates.\textsuperscript{118} While the Office of

\textsuperscript{114} See supra notes 1, 13, 47, 112 and accompanying text (tasking Permanent Council with follow up actions for REMJAs and technical meetings).

\textsuperscript{115} Permanent or alternate representatives refer to the Ambassadors and the foreign ministries’ officers that are accredited to a Member State’s Permanent Mission to the OAS. A Member State is free to accredit any of its government officials as a representative to its Permanent Mission, however. See supra note 112 and accompanying text (describing U.S. Department of Justice’s and Mexican Attorney General’s Office’s uniqueness in participating in preparatory actions).

\textsuperscript{116} The Hemispheric Plan of Action is a case in point. REMJA-IV gave specific instruction on the Plan of Action, but REMJA-V stepped back from its predecessor’s conclusions and recommendations. Compare Conclusions and Recommendations of REMJA-IV, supra note 8, with Conclusions and Recommendations of REMJA-V, supra note 10. One explanation could be that the REMJA found itself moving to quickly in this area. Another might be that REMJA-V thought its predecessor acted without appropriate deliberation. Whatever the reason, stepping back in this case is generally perceived as a setback. That the experts subsequently determined that a Plan of Action was advisable renewed optimism about collaboratively combating transnational organized crime throughout the Hemisphere. See supra note 12 (drawing attention to experts’ conclusion to craft Hemispheric Plan of Action to Combat Transnational Organized Crime).

\textsuperscript{117} While the General Assembly is unlikely to curtail any aspect of the REMJA, it is also unlikely to authorize additional support either. Support is a practical need to ensure that REMJA directives, or mandates, are acknowledged and executed. The First Meeting of the Central Authorities, for instance, took place in May 2003. The Second Meeting took place in September 2005, within months of REMJA-VI. Intervening meetings to ensure that REMJA-V directives, or mandates, are being effectively pursued took place on May 5 and 6, and November 9 and 10, 2005, in Washington, D.C., and April 5 and 6, 2006, in Port of Spain, Trinidad and Tobago. Institutionalizing a working group to give appropriate attention and follow up to the REMJA is a worthwhile goal. See supra note 51 (highlighting Fourth Summit of the Americas Plan of Action and the aim to strengthen institutional development in OAS for promoting mutual assistance in criminal matters and extradition).

\textsuperscript{118} The irregularity of meetings is a cause of concern given the practical objectives of REMJA. Lack of interest from particular Member States, insufficient resources to meet more regularly, or limited staff to cover the conflicting events and other activities within the OAS contribute to such irregularity. Overcoming these impediments is important to ensure that practical objectives of REMJA continue to
Legal Cooperation is designated to support REMJA and its meetings of central authorities and other experts on assistance in criminal matters, cybercrime, prison and penitentiary policy, members of the Office also handle other prominent OAS initiatives, such as the MESISIC.\textsuperscript{119} Finally, though too nascent to assess, the Special Joint Committee, another entity with a law enforcement portfolio, may draw resources from important REMJA mandates.\textsuperscript{120}

The decentralized approach to support REMJA and its initiatives is understandable, in light of the REMJA’s relative youth, limited initiatives, and infrequent reunions.\textsuperscript{121} With further meetings and a clearly expanding program,\textsuperscript{122} REMJA-VI or its successor should consider recommending the creation of a dedicated staff to support REMJA, its components, and its mandates, including a response to transnational organized crime.\textsuperscript{123} The staff should be

move forward. See supra notes 9, 96 (referring to the Ottawa Experts’ Report). Institutionalizing the REMJA and its process should ameliorate these concerns. See supra note 51 (calling attention to Fourth Summit Plan of Action to strengthen the institutional development of the General Secretariat in mutual assistance in criminal matters and extradition).

\textsuperscript{119} Limited staffing impacts on each of the events and activities the Office of Legal Cooperation is tasked to oversee. The consequence is that the Office finds itself in a reactive mode, rather than a proactive mode, in planning, coordinating and following up on REMJA directives. See Part III.A (noting absence of dedicated support structure for REMJA and REMJA initiatives).

\textsuperscript{120} The Permanent Council created the Special Joint Committee on August 25, 2005. While the General Secretariat is charged with acting immediately to coordinate OAS efforts to combat transnational crime, see AG/RES. 2116, supra note 12, evaluation of any action it might have taken is premature because of its nascency.

\textsuperscript{121} Though understandable, the decentralized approach will likely ill-serve REMJA over time. It will impede REMJA from developing in a cohesive fashion and permit agencies, offices, entities, or other mechanisms within the OAS to frustrate the progress of the others. While a “checks and balances” approach has merits, even in an intergovernmental structure such as the OAS, the executive need to give effect to the practical mandates of the REMJA will experience – at best – favorable, incremental changes. Over time, a more centralized approach to give effect to REMJA will generate needed expeditious change. See supra notes 51, 117 and accompanying text (recommending institutionalization of REMJA process and permanent office to support and assist REMJA).

\textsuperscript{122} The conclusions and recommendations of REMJA-V compared with those of REMJA-III and REMJA-IV underscore this expansion. Where trafficking in persons, for instance, did not arise in preceding REMJAs, REMJA-V discussed the topic and elected to make it a reoccurring topic for future agendas. See Conclusions and Recommendations of REMJA-V, supra note 10. In addition, REMJA-V, unlike previous REMJAs, decided to address gender issues, too. Id.; see also supra notes 94 and 109.

\textsuperscript{123} Resolutions that support REMJA regularly include “with the support of the OAS General Secretariat.” See OAS, Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, AG/RES. 1849 (XXXII-O/02) (June 4, 2002). As a matter of practice, the Office of Legal Cooperation is the arm of the General Secretariat tasked to support the REMJA. See supra note 119. That office routinely
part of the General Secretariat, and the head of that team should report to the Secretary General and respond to the chair or the REMJA.\textsuperscript{124} Consistent with REMJA's need to keep abreast of the works of other OAS agencies and entities, such as CICAD, CICTE, CIFTA, CIM, and MESISIC, and current aims to eliminate duplication of efforts,\textsuperscript{125} the General Secretariat should be able to assign specific REMJA tasks to other agencies or entities best suited to ensure that the REMJA, its components, and mandates are fully and appropriately supported.\textsuperscript{126}

As a corollary, those tasks that are better positioned under REMJA should be relocated to the REMJA for assignment to the appropriate REMJA component.\textsuperscript{127} CICAD, for instance, currently oversees an initiative to promote special investigative techniques (SITs) to combat narcotics trafficking.\textsuperscript{128} Though SITs play a particularly important role in the fight against narcotics trafficking, SITs are not law enforcement tools unique to combating this finds itself in a reactive stance, one that ill-serves REMJA initiatives that are proactive by their nature. See supra note 51 (suggesting need for change).

124. To the extent that the REMJA meets on a bi-annual basis, the chair of REMJA effectively serves a two-year term. See supra notes 53, 58. An incumbent chair, as the representative of REMJA, is arguably empowered by position to ensure that the particular conclusions and recommendations of REMJA progress. Should questions arise when REMJA is not in session, then the incumbent chair could resolve that issue on behalf of REMJA. Institutionalizing a support group and permitting the chair to give instruction to that group would recognize the chair's special role within REMJA.

125. Currently, CICAD, CIFTA, CICTE, MESISIC, and CIM provide reports to REMJA. See supra note 10 (referring to reports presented before REMJA-V). Undoubtedly, the Special Joint Committee will become part of that process, too. See supra notes 12, 100-103.

126. Institutionalizing a working group will not overcome the disjointed approach. It may, however, ensure that history and practice are preserved. See supra note 51 (referring to recommendation for strengthening institutionalization).

127. Accepting the notion that the General Secretariat should be taking actions to maximize resources, see supra note 12, allocating a task to an OAS agency, office, entity, or mechanism that is less suited to address a particular issue does not meet that end. Accordingly, the General Assembly should empower the General Secretariat to identify tasks that may be inaccurately placed and relocate them within the OAS agency, office, entity or mechanism that is best suited to optimize the intended outcome. Taking the discussion of specialized investigative techniques from the CICAD may be one of these initiatives because the CICAD is a specialized agency. See supra note 4 (referring to discussion of SITs within CICAD and drawing attention to CICAD's status within OAS). REMJA, as the OAS's exclusive meeting to discuss law enforcement matters generally, is better positioned to handle tools, such as SITs, which are not unique to narcotics investigations. See supra note 21 (highlighting macro-approach within REMJA).

128. See supra note 4 (discussing CICAD).
crime. They are also important to combat trafficking in persons and transnational organized crime. Placing the SITs initiative under the REMJA would better serve the OAS, particularly because the REMJA exists to enhance cooperation throughout the Hemisphere from a more general perspective. The SITs initiative is only one example of how the OAS might consider repositioning particular initiatives. In the meantime, organs or agencies that have a law enforcement component, such as CICTE, CIFTA, CIM, and MESISIC, should continue to inform the REMJA about their efforts to promote Hemispheric law enforcement cooperation.

Apart from the disjointed approach to support REMJA, its components, and its initiatives, the absence of dedicated appropriations means that the REMJA is completely dependent on limited OAS resources or direct or in-kind contributions of Member States to promote itself, its components, and its initiatives.


131. Moreover, the meeting of central authorities and other experts to promote assistance in criminal matters is specifically tasked to ensure that impediments to cooperation are eliminated. See AG/RES. 1849, supra note 123 (echoing language of Third Summit of the Americas to “strengthen cooperation . . . to jointly combat emerging forms of transnational criminal activity” and convening meeting of government experts, including central authorities, for promoting this and other ends).

132. A study within the General Secretariat will likely identify other examples. The General Secretariat should undertake this kind of study with the aim of maximizing efforts and eliminating the duplication of efforts generally.

133. That CICAD, CICTE, CIFTA, and MESISIC made presentations during REMJA-V suggests that they will likely continue to make presentations during future REMJAs. See supra note 59. While the first two in time may find themselves taking instruction from the REMJA, this kind of outcome is less likely with the treaty-based initiatives, such as the Conference of State Parties of the CIFTA and the MESISIC. See supra note 4. The latter two, however, should continue to provide the REMJA with information about their actions taken between REMJAs. See supra note 10.

134. An ad hoc approach to Hemispheric initiatives is not uncommon, particularly for an institution that is fundamentally political. See supra notes 118-19 and accompanying text.

135. Resolutions routinely include implementation language “in accordance with the resources allocated in the program-budget and other resources.” See, e.g., AG/RES. 1849, supra note 123. For all intents and purposes, REMJAs appear to rely on
Argentina, Costa Rica, Peru, and Trinidad and Tobago each sponsored a REMJA.\textsuperscript{136} Canada hosted the First Meeting on Central Authorities and Other Experts on Mutual Legal Assistance in Criminal Matters and has financed and promoted the Working Group on Mutual Assistance in Criminal Matters and Extradition and the information exchange network.\textsuperscript{137} Brazil hosted the Second Meeting on Central Authorities and Other Experts on Mutual Assistance in Criminal Matters.\textsuperscript{138} The United States has supported the training initiatives of the cybercrime committee.\textsuperscript{139} Venezuela financed a conference to combat trafficking in persons.\textsuperscript{140}

This ad hoc approach demonstrates particular countries' commitments to specific initiatives, but an initiative's success — without any surprise — is significantly, if not completely, dependent on that generosity.\textsuperscript{141} The information exchange network is a case in point.\textsuperscript{142} But for the generosity of the Government of Canada, this

\textsuperscript{136.} See supra note 58 and accompanying text (identifying Member State sponsorship of REMJAs I, II, III, & IV).

\textsuperscript{137.} See AG/RES. 1849, supra note 123 (encouraging Working Group, of which Argentina, The Bahamas, Canada, and El Salvador were members, to continue its activities related to the information exchange network and accepting Canada's offer to hold the First Meeting of Central Authorities and Other Experts on Mutual Legal Assistance in Criminal Matters). See also supra note 55 (noting genesis of Working Group).

\textsuperscript{138.} See supra note 96 (noting place and location of Second Meeting of Central Authorities and Other Experts on Mutual Legal Assistance in Criminal Matters and Extradition). The meeting took place in Brasilia, Brazil, between September 1 and 3, 2005.

\textsuperscript{139.} A representative from the U.S. Department of Justice, Criminal Division, Computer Crimes and Intellectual Property Section, has overseen the meetings of the Group of Government Experts on Cyber-Crime under the REMJA.

\textsuperscript{140.} See Press Release, OAS, Meeting on Trafficking in Persons Opens in Venezuela, Ref. No. E-055/06 (Mar. 14, 2006) (reporting that active Member States' representatives "began a four-day meeting on Margarita Island . . . to examine areas of cooperation and develop policies and strategies for the prevention of human trafficking in the hemisphere."); see also supra note 94 (calling for meeting).

\textsuperscript{141.} See supra note 135 and accompanying text (explaining that "other resources" play a determinative role in the success of the REMJA and its specific initiatives).

\textsuperscript{142.} The information exchange network has been integrated into the OAS website and is accessible through the Office of Legal Cooperation at \texttt{http://www.oas.org}. Its evolution over the past several years has been impressive and provides the public and practitioners with immediate access to multiple resources. Contributions are dependent on Member States and therefore the differences between specific contributions are marked. As principal benefactor, Canada's contributions merit particular attention.
very practical tool would not be the success that it is today.\textsuperscript{143} The project is worthwhile and its existence should no longer be country-dependent.\textsuperscript{144} The ad hoc approach also fails to ensure that resources are maximized and that the duplication of efforts is eliminated within the OAS.\textsuperscript{145} While the General Secretariat should be positioned to know what is transpiring within the OAS and foresee where agency or entity activities duplicate, the ad hoc approach enables Member States – as an admitted prerogative – to provide resources contingent to certain conditions, a practice that can contravene greater aims which the General Secretariat is better positioned, and now instructed in one area of concern, to assess.\textsuperscript{146}

While eliminating the ad hoc approach is a worthy objective, empowering the General Secretariat with authority to ensure that resources are maximized and that the duplication of efforts is eliminated is even more crucial.\textsuperscript{147} The General Assembly’s recent specialized instruction in the area of transnational organized crime should be expanded, particularly in other law enforcement matters, to ensure that the REMJA, its components, and its initiatives are fully supported.\textsuperscript{148}

Notwithstanding the practical aims highlighted in REMJA’s conclusions and recommendations, at its core REMJA remains a political activity, subject to the politics of the Member States and the particular Ministers.\textsuperscript{149} The creation of the Justice Studies

\textsuperscript{143} Canada has supported the initiative directly and through in-kind contributions. See supra note 52 (providing link to history of site). Mr. Pierre-Gilles Bélanger has played an instrumental role in promoting this important OAS initiative.

\textsuperscript{144} The information exchange network, as a tool for Member States, the public, and practitioners, should no longer be dependent on the generosity of a particular Member State.

\textsuperscript{145} See supra note 132 and accompanying text (recommending that General Secretariat should be empowered to maximize resources and eliminate duplication of efforts generally); see, e.g., supra notes 12, 14, 110, 129.

\textsuperscript{146} While conditioning resources is an obvious check for the contributing Member State, it undermines an OAS objective to maximize resources and eliminate duplication of efforts. See supra notes 12, 132. Obligating the General Secretariat to use resources in specific manner can frustrate its ability to redirect resources, ensure participation of other OAS agencies or entities, or even prohibit overlapping initiatives elsewhere in the organization.

\textsuperscript{147} That the General Assembly would even need a resolution to empower the General Secretariat to promote this kind of action internally seems unnecessary. That experts found it indispensable and that it passed by consensus means that this kind of action apparently was critically important. See supra note 12.

\textsuperscript{148} See supra note 10 (highlighting REMJA initiatives as described in the Conclusions and Recommendations of REMJA-V).

\textsuperscript{149} Ministers and Attorneys General are routinely appointed throughout the Hemisphere. As political appointees, specific interests of particular governments
Center was a major impetus for the meeting of the Ministers. The terrorist bombings in the United States gave rise to a greater law enforcement focus of REMJA. The focus on a particular crime is often linked with events or concerns that predominate around a particular REMJA or are being advocated within a particular Member State. In addition, no prospective REMJA agenda is likely to be devoid of particular political aims. Similarly, which country will chair a REMJA or component meeting may have political tones, just as much as who will head a particular Member State’s delegation, what that person or the designee might say, when an intervention is made, or how the conclusions and recommendations are formulated. This acknowledgment, however, should not mar REMJA’s long-term objective: to promote inevitably vary, and the Ministers and Attorneys General may appear at the REMJA with an instruction from their government to take a position, not take a position, or reject another government’s position on a particular issue. That the REMJA operates by consensus, practical needs can find themselves without the necessary political support at the conclusion of the meeting. Fortunately, the tenor of REMJAs has generally been apolitical, and the fruits of this approach have been visible throughout the OAS as a whole. See supra note 9 (adopting conclusions and recommendations of experts in their entirety); see also supra note 21 (highlighting REMJA’s broader role in assessing cooperation efforts for the Hemisphere).

150. See supra notes 1, 73 (focusing on General Secretariat’s actual or potential authority to promote cooperation within the OAS).

151. Compare Conclusions and Recommendations of REMJA-V, supra note 10 (giving particular emphasis to practical law enforcement cooperation), with Conclusions and Recommendations of REMJA-I, supra note 57, and Conclusions and Recommendations of REMJA-II, supra note 57 (drawing attention to the need to promote studies and focusing on justice in a normative sense of the word).

152. The United States, for instance, has supported Hemispheric efforts to combat cybercrime, and during REMJA-V gave particular emphasis to fighting public corruption. Mexico has played a key role in promoting efforts to combat transnational organized crime within the framework of the United Nations Conventions Against Transnational Organized Crime. Colombia and Venezuela have supported efforts to call attention to trafficking in persons, especially women and children. See supra notes 139-42 (noting contributions of Member States).

153. Because the agenda is prepared within the Committee on Juridical and Political Affairs for approval of the Permanent Council, political ends are inevitable. See supra notes 139-42, 149 and accompanying text (underscoring particular Member States’ objectives on specific issues).

154. These observations are common to multilateral events generally. That they exist within the context of REMJA merely draws attention to the fact that REMJA arose out of a political body, is vigorously supported by Heads of State and Government in the Summit of the Americas process, and will continue to reflect particular political aims of varying degrees of Member States. The general apolitical tone of REMJA, however, merits acknowledgment and maintaining this tenor will continue to serve REMJA and REMJA process well into the future. See supra note 149 (noting REMJAs tend to appear apolitical).
efficient, expeditious, and effective cooperation throughout the Hemisphere.\textsuperscript{155}

V. CONCLUSION

The decision to establish the REMJA has been, and continues to be, important for the OAS. The regular meetings call attention to timely and important law enforcement issues in the Hemisphere, draw attention to specific challenges that impede cooperation between and among the various Member States, and promote initiatives with the aim to benefit Hemispheric cooperation efforts generally. Continuing the REMJA is important, and Member States need to ensure that it has financial and structural support to survive. While politics has played, and will continue to play, a role in the REMJA, maximizing the practical aspects of the REMJA will well serve the Hemisphere generally and Member States particularly. Its promise and progress suggest that REMJA can serve as a model for other regions throughout the world, too.\textsuperscript{156}

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\textsuperscript{155} The \textit{Ottawa Experts' Report, see supra note 9, will likely remain a significant document within the cooperation framework of the OAS. The conclusions and recommendations are clear, precise, and progressive. Achieving them will take a period of years. Prioritizing them will be a challenge, but demonstrable action on nearly all of them is an important goal for the OAS and REMJA.}

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