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DECLARATIONS AND RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

(Reviewed by the Style Committee)

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AG/RES. 2931 (XLIX-O/19)

STRENGTHENING DEMOCRACY<sup>1/2/3/4/5/6/</sup>

(Adopted at the first plenary session, held on June 27, 2019)

THE GENERAL ASSEMBLY,

REAFFIRMING the norms and general principles of international law as well as those contained in the Charter of the Organization of American States (OAS);

AWARE that the Charter of the Organization of American States establishes in its preamble “that representative democracy is an indispensable condition for the stability, peace and development of the region” and that one of the essential purposes of the Organization is “[t]o promote and consolidate representative democracy, with due respect for the principle of nonintervention”;

RECALLING resolutions AG/RES. 2703 (XLII-O/12), AG/RES. 2768 (XLIII-O/13), AG/RES. 2853 (XLIV-O/14), AG/RES. 2891 (XLVI-O/16), AG/RES. 2894 (XLVI-O/16), AG/RES. 2905 (XLVII-O/17), and AG/RES. 2927 (XLVIII-O/18), as well as all previous resolutions adopted on this topic;

HAVING SEEN the “Annual Report of the Permanent Council to the General Assembly June 2018-June 2019” (AG/doc.5649/19 add. 1), in particular the section on the activities of the Committee on Juridical and Political Affairs (CAJP); and

CONSIDERING that the programs, activities, and tasks set out in the resolutions under the purview of the CAJP help to further the essential purposes of the Organization enshrined in the Charter of the Organization of American States,

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1. Mexico reiterates the position expressed in its statement delivered at the first plenary session of the forty-ninth regular session of the General Assembly ...
  2. The Plurinational State of Bolivia places on record its position in accordance with Article 1 of the Charter of the Organization of American States, which stipulates: “*The American States ...*”
  3. Further to the Statement of the delegation of the Republic of Suriname on June 27, 2019 at the General Assembly of the Organization of American States and with reference to its Statement ...
  4. The Government of Barbados did not support Resolution CP/RES. 1124 (2217/19) of April 9, 2019 which sought to appoint Mr. Gustavo Tarre as the National Assembly’s designated Permanent ...
  5. The Government of the Commonwealth of Dominica places on record its reservations to the participation and voting by the purported representative(s) of the Bolivarian Republic of Venezuela...
  6. Antigua and Barbuda considers that the Bolivarian Republic of Venezuela is not a member state of the Organization of American States since, on 27 April 2017, the Government of the Bolivarian...

I. ACTIVITIES OF THE COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

RESOLVES:

1. To instruct the Permanent Council, the General Secretariat, and the other bodies referred to in Article 53 of the Charter of the Organization of American States (OAS) to continue working on the implementation of the applicable current mandates set out in previous General Assembly resolutions assigned to the Committee on Juridical and Political Affairs (CAJP), except as stated otherwise in any resolution.

2. To urge member states to continue contributing to the attainment of the objectives established in said resolutions through the development and execution of activities, submission of reports, exchange of information, and adoption of measures and policies, as well as through cooperation, support, and mutual assistance; and to instruct the General Secretariat to provide necessary support to those ends.

vii. Open and transparent digital government

TAKING NOTE of the Commitment of Santo Domingo, emanating from the Eleventh Annual Meeting of the Network of e-Government Leaders of Latin America and the Caribbean (GEALC Network), held November 29 to 30, 2017, in Santo Domingo, Dominican Republic, and in particular as regards “reinforc[ing] the collaborative work through the Network, in order to anticipate the challenges of digital progress and meet the expectations and needs of the people, boosting confidence in public institutions with greater transparency and openness, improving the response capacity and the delivery of public services, and contributing to making citizens the engine of public policy, in order to build an inclusive and sustainable future for everyone;”

REAFFIRMING the commitments made in paragraphs 14, 17, and 20 of the Lima Commitment<sup>7</sup> approved by our Heads of State and Government at the Eighth Summit of the Americas held in Lima, Peru, April 13 to 14, 2018, in particular those that regard furthering open government and open data policies and the use of digital technologies to promote transparency and accountability, interaction with citizens, reduction of bureaucracy and simplification of administrative processes, information openness, and strengthening cooperation and exchange of best practices for the development and application of said technologies;

TAKING NOTE of section xi, “E-Government,” in resolution AG/RES. 2927 (XLVIII-O/18), “Strengthening Democracy,” which instructs the General Secretariat to promote, as regards the GEALC Network, the coordination of activities, projects, and programs, and the promotion of e-government best practices for and among its member states, upon request, with a view to furthering the digital transformation of governments;

TAKING NOTE ALSO of the Declaration of Panama of the Fifth Ministerial Meeting on E-Government, held November 15 to 16, 2018, in Panama City, Panama, in particular with regard to undertaking the actions needed to expand the reach of the mechanism into an Inter-American Network on Digital Government, which would include participation from all the OAS member states;

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7. See footnote 7.

BEARING IN MIND that open data are a fundamental tool for combating corruption from the standpoint of ensuring the right of access to information and of helping citizens to have more information about public affairs, which will enable them to participate in a more informed way in decisions that affect them; and

TAKING NOTE of operative paragraphs 4 and 5 of section xi, "E-Government," of resolution AG/RES. 2927 (XLVIII-O/18), "Strengthening Democracy," which request the OAS General Secretariat to coordinate in a collaborative manner, through the Department for Effective Public Management, the preparation of a proposal for an Inter-American Open Data Program and request the General Secretariat to submit said Program to the Permanent Council, through the Committee on Juridical and Political Affairs (CAJP), for consideration by the member states,

RESOLVES:

1. To recognize the Network of e-Government Leaders of Latin America and the Caribbean (GEALC Network) as the Inter-American Network on Digital Government, open to the participation of all OAS member states, instructing the General Secretariat to promote the coordination of activities, projects, and programs in relation to the Network and to encourage e-government best practices for and among member states that so request, with a view to horizontally furthering the digital transformation of governments.

2. To reaffirm the commitment to strengthen the GEALC Network as a mechanism for dialogue, cooperation, and promotion of digital government in the Americas in order to bolster transparency, accountability, access to information, interaction with citizens, reduction of bureaucracy, simplification of administrative processes, exchange of best practices, and institution building through the use of information and communication technologies.

3. To approve the Inter-American Open Data Program (PIDA) to combat corruption, annexed hereto, the aim of which is to strengthen information openness policies, increase governments' and citizens' capacity to prevent and combat corruption through open data, and request member states and the General Secretariat, through the Department of Effective Public Management, to undertake efforts for its implementation in the countries that so request.

4. To take note of the invitation to member states to the Seventh Regional Open Data Conference for Latin America and the Caribbean (CONDATOS and ABRELATAM), to be held in Quito, Ecuador, August 28 to 30, 2019, and to reiterate the invitation to all member states to attend the Thirteenth Meeting of the GEALC Network, to be held in Buenos Aires, Argentina, September 30 to October 1, 2019.

II. FOLLOW-UP AND REPORTING

RESOLVES:

1. To instruct the Permanent Council to follow up on the topics addressed in this resolution through their inclusion in the work plan of the CAJP, and the General Secretariat to report to the fiftieth regular session of the General Assembly.

2. To instruct the General Secretariat to submit to the Permanent Council in due course in the third quarter of 2019 and through the areas responsible for follow-up and implementation of activities connected with the purpose of this resolution, the 2019-2020 plan of activities for proper oversight by member states.

3. To request the Permanent Council to report to the General Assembly at its fiftieth regular session on the implementation of this resolution. Execution of the activities envisaged in this resolution will be subject to the availability of financial resources in the program-budget of the Organization and other resources.

## INTER-AMERICAN OPEN DATA PROGRAM

### Background and rationale

Article 4 of the Inter-American Democratic Charter states that “transparency in government activities, probity, responsible public administration on the part of governments ... are essential components of the exercise of democracy.”

A state that works and a democracy that delivers and responds transparently, efficiently, and effectively to citizens’ demands is essential in strengthening the basic legitimacy of democratically elected governments, regardless of their political and ideological orientation or their strategic national objectives. Satisfaction with democracy is directly related to effective governance and to the way in which the state provides its citizens with public services.

Transparency means not only placing checks on corruption and abuses of power, but also ensuring the right of all citizens to access public information. Each member state has the sovereign authority to determine its course of action in the fight against corruption, in particular as regards the regulatory frameworks that exist for that purpose. What determines whether a transparency policy is effective or not is the way in which information correlates to how people make decisions. It is not merely a matter of making information available to the public, but of making useful information accessible and providing it in the right location, context, and time.

Open data are digital data that are made available to the public, equipped with the technical and legal characteristics necessary for them to be used, reused, and redistributed freely by any person, at any time, and in any place.

The databases currently made public by authorities at different levels of government contain vital information on the management of public affairs, although they are not always presented in user-friendly formats that are understandable to a majority of citizens.

Many countries have developed open data policies, strategies, and initiatives that help promote transparency in public administration. The OAS General Secretariat, through the Latin American Open Data Initiative (ILDA),<sup>8</sup> has supported five of the region’s countries in developing national open data policies and strategies drawn up in collaboration with civil society. Such policies are necessary to create legal and regulatory frameworks, establish principles for the development and implementation of initiatives for improving transparency and the provision of public services, and facilitate citizen participation.

At the global level, there is the International Open Data Charter: a multisectoral initiative that works for the adoption of principles and standards for openness and that has launched a new practical guide to assist governments in taking action to combat corruption through the use of open data, including open contracting mechanisms.

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8. ILDA, as the regional node for Latin America, is a part of the Open Data for Development ([OD4D](#)) initiative. ILDA was created following the first Regional Open Data Conference (Condatos)...

In spite of the progress made by some of the region's countries, much remains to be done in the adoption of principles and the development of policies, strategies, and initiatives to promote the use of open data in increasing transparency, facilitating citizen participation, and improving the provision of public services.

Thus, through agreed-on regional commitments and mandates, the member states have recognized the need for institutional frameworks and appropriate legal bases, more sophisticated management systems, and open data initiatives but, above all, for a profound change in the culture of public institutions.

Against that backdrop, at the Eighth Summit of the Americas in Lima, Peru, in April 2018, the Heads of State and Government signed the Lima Commitment on Democratic Governance against Corruption<sup>9/</sup>, in which they agreed to promote “the establishment of an Inter-American Open Data Program within the OAS in order to strengthen open information policies and increase the capacity of governments and citizens to prevent and fight corruption, bearing in mind the important work done in this field within the inter-American framework and other regional and global initiatives.”

Subsequently, at the forty-eighth regular session of the OAS General Assembly, the member states adopted resolution AG/RES. 2927 (XLVIII-O/18), “Strengthening Democracy,” in which they requested “the OAS General Secretariat, through the Department for Effective Public Management, to coordinate, through collaboration among the competent authorities in member states, with the active participation of civil society, academia, and the private sector, the crafting of a proposal for an Inter-American Open Data Program to strengthen policies for openness with information, transparency and to increase government and citizen capacity to prevent and fight corruption, taking into account the important work done at the inter-American level in this area, as well as other regional and global initiatives.”

As of April 2019, regulations governing the implementation of open data are in place in 12 countries of the Americas.<sup>10/</sup> Those instruments vary in terms of the type of legislation used and their strategies and policies. Some of these regulatory devices are governed by existing legislation on access to public information, while others are independent initiatives that, although they have connections to existing laws governing access to public information, have been established by political mandate.

Those policies are the result of participatory processes in which civil society and governments discussed the scope and contents of the initiatives. The OAS General Secretariat's Department for Effective Public Management has supported several of those countries through a participatory mechanism for discussing and recommending actions through which those policies can be consolidated.<sup>11/</sup>

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9. The Government of the Republic of Nicaragua hereby advises the Heads of State and Government present at the Eighth Summit of the Americas that Nicaragua does not approve the Lima...

10. Argentina, Brazil, Canada, Colombia, Costa Rica, El Salvador, Guatemala, Mexico, Panama, Peru, the United States, and Uruguay.

11. See IDB, 2016, *Los Datos Abiertos en América Latina y El Caribe*, p. 14  
<https://publications.iadb.org/publications/spanish/document/Los-datos-abiertos-en-Am%C3%A9rica-Latina-y-el-Caribe.pdf>



According to the figures referred to above, 34% of the region's countries have some level of open data regulations, whereas 8% are in the process of creating them and 58% have none. The absence of regulations for open data means some countries lag behind in their use in anticorruption efforts. A similar effect is seen in those countries that do have regulations but have not yet succeeded in actually enforcing them. However, it should be noted that technological developments evolve at a greater speed than regulations and that therefore, even in the absence of regulations, the countries have pressed ahead with the launch of their national open data websites. According to the ECLAC report *Panorama regional de los datos abiertos: avances y desafíos en América Latina y el Caribe* [Regional overview of open data: Progress and challenges in Latin America and the Caribbean],<sup>12/</sup> 18 countries have made advances in that direction.

### Program Objective

To strengthen open information policies on public data and increase the capacity of governments and citizens to prevent and fight corruption, bearing in mind the important work done in this field within the inter-American framework and other regional and global initiatives.<sup>13/</sup> Implementation of the Program is voluntary for the participating member states.

## INTER-AMERICAN OPEN DATA PROGRAM

### A. As regards the member states:

1. Make progress with the development and adoption, if they have not yet done so, of a regulatory framework for data openness in accordance with the applicable national laws. This regulatory framework may take the shape of a national open data policy or strategy.
2. Make progress with the implementation of domestic laws and regulations, including policies and strategies, for open data.
3. Make progress with public data disclosure and seek to develop new open contracting instruments in order to combat corruption.
4. Identify the priority data sets for anticorruption efforts that should be opened, bearing in mind the domestic law of each member state, using as a reference such data sets as, for example: registers of lobbyists; declarations of interests; company registers; charity registers; public servants involved in contracting processes; politically exposed persons; registers of civil servants; lists of government contractors; government consultative councils; political party funding; budget; procurement processes; licenses and permits; public-private partnerships; spending; government subsidies; international cooperation; government contracts;

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12. See ECLAC, 2016, *Panorama regional de los datos abiertos*, [https://repositorio.cepal.org/bitstream/handle/11362/40768/1/S1600967\\_es.pdf](https://repositorio.cepal.org/bitstream/handle/11362/40768/1/S1600967_es.pdf) (in Spanish only).

13. Paragraph 20 of the Lima Commitment on Democratic Governance against Corruption, adopted at the Eighth Summit of the Americas held Lima, Peru, in April 2018.

audit data; voting; court decisions; registers or priority infrastructure projects; meeting records; changes in regulations; campaign promises; contractors subject to sanctions; complaints lodged in procurement processes; public property registers; taxes, and declarations of net worth, among others.

5. Publish the identified data sets in formats that are accessible to the citizenship, that can be reused and updated, and that are comparable and interoperable.
6. Strengthen the data openness capacity of public institutions, including openness in systems for public procurement.
7. Develop technical documents to promote standards and adherence to national and international best practices in order to enhance interoperability of published databases.
8. Strive to adhere to the open-source code, license, and software philosophy in the government procurement openness exercise and in the implementation of the Anticorruption Open Up Guide.
9. Develop and/or apply existing tools and mechanisms for monitoring and assessing public institutions' observance of the regulations and their data openness practices.
10. Promote data openness in all branches of government and at all levels of the domestic government structure, at the federal, state, and local levels, and in agencies, independent or autonomous bodies, and entities either belonging to the state or under its control, and any other agency, body, or entity that administers or executes public resources, state assets, or act of the public administration in general.
11. Make provision for personal data anonymity processes and mechanisms in data set openness, in order to protect the identification of persons, as permitted by the laws of each State.
12. Promote access to and use of open data by the public as part of a national strategy of accountability, transparency, and citizen participation in state actions.
13. Promote the allocation of funds by all public institutions, so that the identified priority data sets can be opened.
14. Consider attending the special meetings of the OAS Permanent Council's Committee on Juridical and Political Affairs to assess the countries' progress with implementing the program and to exchange good practices with a view to strengthening the member states' capacity for promoting transparency and pursuing anticorruption efforts.

B. As regards the General Secretariat of the Organization of American States:

- Provide support in implementing the Inter-American Open Data Program to those member states that so request, in particular by:
  - a. Reviewing and providing advice on the updating of regulatory frameworks for data openness.
  - b. Strengthening the training of public officials in the public data openness and usage cycle, including in connection with open contracting and other areas requested by member states, and enhance public awareness of the importance of public data openness.
  - c. Strengthening institutional technical capacities for data openness.
  - d. Supporting the development and implementation of the open data instruments that each state decides are appropriate for its anticorruption efforts, including in the area of public procurement.
  - e. Promoting data openness as a tool to bolster transparency, effectiveness, and citizen participation in the public policy cycle.
  - f. Facilitating forums and mechanisms—such as the Inter-American Cooperation Mechanism for Effective Public Management (MECIGEP)—for exchanges of experiences among the member states’ competent authorities for public data openness and usage in anticorruption efforts.
  - g. Coordinating support efforts for the member states through the Network of e-Government Leaders of Latin America and the Caribbean (Red GEALC) and the Inter-American Network on Government Procurement (RICG) in the implementation of this program.
  - h. Promoting partnerships and cooperation channels with other international organizations, civil society, and other social stakeholders that work in this area, in order to facilitate exchanges of information, promote the coordination of efforts and cooperation, and participate in and actively support the implementation of this program.
  - i. Draw up a map of actors linked to the open-data program and system and their needs, in order to facilitate measures to prevent and combat corruption.
  - j. Conduct feasibility studies on the implementation of different open information solutions, including data sets in real time.
  - k. Developing, managing, and maintaining an online platform containing relevant information on progress with the implementation of this open data

program in each member state. The tool will support efforts to exchange experiences and knowledge on the topic.

C. As regards other strategic partners and international cooperation:

- Urge the strategic partners of the Organization and the international cooperation community to provide technical and financial support for the implementation of the Program to member states, when so requested.

## FOOTNOTES

1. ... (Item 4. Report of the Secretary General on Credentials) and in the Footnote to the 'Report of the Secretary General on the Presentation of Credentials of the Delegations Taking Part in the Forty-Ninth Regular Session of the General Assembly,' document AG/doc.5653/19.

2. ... *establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence.*

*The Organization of American States has no powers other than those expressly conferred upon it by this Charter, none of whose provisions authorizes it to intervene in matters that are within the internal jurisdiction of the Member States."*

It also clearly places on record that, in keeping with Article 143 of the Charter of the Organization of American States, its denunciation by a member state shall come into effect two years after the receipt thereof, at which time it shall cease to be in force with respect to the denouncing state, which shall be left without rights and duties and unattached from all actions and decisions of the Organization.

The Plurinational State of Bolivia reserves the right to recognize resolutions and declarations adopted with the participation of non-member states.

3. ... during the Regular Meeting of the Permanent Council of April 23, 2019 in relation to Resolution CP/RES. 1124 (2217/19) rev. 2 of April 9, 2019, the delegation of the Republic of Suriname wishes to put on record that until further notice, Suriname reserves its rights to recognize All resolutions and declarations that will be adopted on the occasion of the forty-ninth regular session of the General Assembly of the Organization of American States.

This reservation is based on our firm rejection of the selective interpretation of the procedural rules and other legal instruments of the Organization of American States.

4. ... Representative to the OAS and does not accept the credentials of the officials intending to represent the Bolivarian Republic of Venezuela at this forty-ninth regular session of the General Assembly of the OAS. The Government of Barbados therefore reserves its rights, until further notice, not to be bound by any decisions or resolutions adopted at this General Assembly in which the Bolivarian Republic of Venezuela participated.

5. ... on any resolutions, declarations, elections considered by the forty-ninth regular session of the General Assembly and any other body of the Organization of American States (OAS).

The Government of The Commonwealth of Dominica also places on record its view that in keeping with Article 143 of the Charter of the OAS which provides, inter alia, that the denunciation by a member state shall come into effect *two (2) years from the date on which the General Secretariat receives a notice of denunciation, the present Charter shall cease to be in force with respect to the denouncing State, which shall cease to belong to the Organization*; that the denouncing State shall be without rights and duties and shall be unattached from all actions and decisions of the Organization; that Venezuela is no longer a member state of the OAS and therefore not entitled to have a seat at the OAS. The Government of The Commonwealth of Dominica therefore does not recognise any person who occupies the seat of Venezuela who is not a person duly appointed by the Government of the State of Venezuela.

The Government of the Commonwealth of Dominica reserves its full rights in respect of the recognition resolutions and declarations adopted by the forty-ninth regular session of the General Assembly and any resolution and declaration approved thereafter with the participation by the purported representatives of Venezuela.

6. ... Republic of Venezuela properly notified the Secretary-General of its denunciation of the Charter in accordance with Article 143 of the Charter of the Organization of American States and the Charter ceased to be in force with respect to the Bolivarian Republic of Venezuela which ceased to belong to the organization on 27 April 2019.

Antigua and Barbuda did not support resolution CP/RES 1124 (2217/19) of April 9, 2019 which sought to appoint Mr. Gustavo Tarre as the National Assembly's Representative to the OAS and did not accept the credentials of the officials intending to represent the Bolivarian Republic of Venezuela at the forty-ninth regular session of the General Assembly.

Therefore Antigua and Barbuda notifies all member states and the General Secretariat of the Organization of American States that until further notice, it will not consider itself bound by any declaration or resolution of the forty-ninth regular session of the General Assembly or any future declarations or resolutions of any Council or organ of the Organization that includes the participation of any person or entity purporting to speak for or act on behalf of the Bolivarian Republic of Venezuela and in which 18 votes are attained with the participation of a purported representative of the Bolivarian Republic of Venezuela.

7. ... of the Americas, the Republic of Nicaragua made it clear that it did not approve the Lima Commitment "Democratic Governance against Corruption" or any other documents, declarations, communiqués, or resolutions issued by the Eighth Summit of the Americas because it was not involved in their negotiation.

9. ... not imply that States must become parties to instruments to which they are not a party or implement obligations under human rights instruments to which they are not a party, including, in the case of the United States, the Convention on the Rights of the Child.

10. ... responsibility, including national responsibility, in the 2030 Agenda and emphasize that all countries have a role to play in achieving its vision. The 2030 Agenda recognizes that each country must work toward implementation in accordance with its own national policies and priorities. The United States also underscores that paragraph 18 of the 2030 Agenda calls for countries to implement the Agenda in a manner that is consistent with the rights and obligations of States under international law. We also highlight our mutual recognition in paragraph 58 that 2030 Agenda implementation must respect and be without prejudice to the independent mandates of other processes and institutions, including negotiations, and does not prejudice or serve as precedent for decisions and actions underway in other forums. For example, this Agenda does not represent a commitment to provide new market access for goods or services. This Agenda also does not interpret or alter any WTO agreement or decision, including the Agreement on Trade-Related Aspects of Intellectual Property.

15. ... in Montevideo, Uruguay, in 2013, with the support of Canada's International Development Research Centre (IDRC). ILDA's primary purpose is to conduct research and cooperate with the nascent Latin American open data and civic technologies community, promoting the development of policies for open data and their use in Latin America to further the region's inclusive development.

16. ... Commitment: "Democratic Governance against Corruption," nor other documents, declarations, communiqués, or resolutions issued by the Eighth Summit of the Americas, because it was not involved in negotiating them.