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CJI/RES.55 (LXII-O/03)
20 March 2003
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CJI/RES.55 (LXII-O/03)

**APPLICABLE LAW AND COMPETENCE OF
INTERNATIONAL JURISDICTION ON NON-CONTRACTUAL LIABILITY**

THE INTER-AMERICAN JURIDICAL COMMITTEE,

CONSIDERING that resolution CJI/RES.50 (LXI-O/02) requested the rapporteurs to complete a draft report in time for consideration by the Committee at its 62nd regular session, adhering to the parameters set forth in said resolution, and also to “welcome the preliminary studies presented by co-rapporteurs, Drs. Ana Elizabeth Villalta Vizcarra (*Recommendations and possible solutions proposed to the topic related to the law applicable to international jurisdictional competence with regard to extracontractual civil responsibility CJI/doc.97/02*) and Carlos Manuel Vázquez (*The desirability of pursuing the negotiation towards an inter-American instrument on choice of law and competency of international jurisdiction on non-contractual civil liability: a framework for analysis and an agenda for research, CJI/doc.104/02 rev.2*).”

TAKING INTO ACCOUNT the important and thorough discussion on this topic that took place at the present regular session,

RESOLVES:

To welcome the draft reports presented by co-rapporteurs Drs. Ana Elizabeth Villalta Vizcarra (*Applicable Law and Competence of International Jurisdiction on Non-contractual Civil Liability, CJI/doc.119/03*) and Carlos Manuel Vázquez (*Hemispheric Approaches to the Jurisdiction and Law Applicable to Non-contractual Civil Liability, CJI/doc.122/03*), which represent extensive research on the subject and a

substantial advance towards satisfactorily fulfilling what was requested by the Permanent Council in its resolution CP/RES.815 (1318/02).

To request the rapporteurs to submit a final draft report on the topic, taking account of the preliminary reports submitted by both rapporteurs at the 61st and 62nd regular sessions of this Committee, as well as the views expressed by the members of the Committee during this regular session, namely that, because of the complexity of the subject and the wide variety of diverging forms of responsibility encompassed within the category of “non-contractual civil liability”, it would be more appropriate to recommend initially the adoption of inter-American instruments to regulate jurisdiction and choice of law with respect to specific sub-categories of non-contractual civil liability, and only afterwards, should the proper conditions exist, pursue the adoption of a general inter-American instrument to address jurisdiction and choice of law for the entire field of non-contractual liability.

To request the rapporteurs to distribute this report with ample time to the members of the Juridical Committee for its consideration at the 63rd regular session, for its consideration during such period, and in order for the Committee to formulate its recommendations and possible solutions to the Permanent Council.

This resolution was unanimously adopted at the session held on 20 March 2003, in the presence of the following members: Drs. Luis Marchand Stens, Carlos Manuel Vázquez, Brynmor T. Pollard, Luis Herrera Marcano, João Grandino Rodas, Ana Elizabeth Villalta Vizcarra and Eduardo Vío Grossi.

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