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**ANNUAL REPORT OF THE CHAIR OF THE INTER-AMERICAN JURIDICAL
COMMITTEE, TO THE GENERAL ASSEMBLY**
(Virtual session, October 21, 2020)

(presented by Dr. Luis García-Corrochano Moyano)

Mr. President, Minister Darren A. Henfield, I would like to begin by expressing my gratitude for this opportunity to present, from a distance, the annual report on the activities of the Inter-American Juridical Committee (CJI) in 2019 and including some developments that have taken place this year as well.

During the course of 2019, the CJI held two regular sessions at its headquarters in the city of Rio de Janeiro, Brazil, in February and July-August.

**The work of codification and progressive development of international law of the
Committee**

In 2019, the CJI adopted a relevant instrument in matter of international law, the *Guide to the Law Applicable to International Commercial Contracts in the Americas*. The Guide proposes specific recommendations for different actors at the domestic level, lawmakers, courts, and contracting parties aiming at harmonization of the issue in the region considering it can be applied regardless of the prevailing legal regime in each of our countries. The CJI Guide takes up concepts contained in the Inter-American Convention on the Law Applicable to International Contracts (Mexico Convention of 1994), as well as subsequent developments in the field, mainly reflected in the Principles on Choice of Law in International Commercial Contracts adopted in 2015 by The Hague Conference on Private International Law. Since its adoption, the Guide has been widely shared among experts, academics, and international organizations, who have expressly welcomed it and recognized the important contribution it could make, not only in the region, but also globally. The Guide is currently available on the Committee's website in English, Portuguese and Spanish.

Also during our March 2020 session, the CJI approved the *Proposed Inter-American Model Law 2.0 on Access to Public Information* in response to a mandate from the OAS General Assembly. This proposal conceives of access to public information as a tool that increases transparency in public management; fights corruption; promotes open competition, investments and economic growth; empowers various sectors of the population, including those in vulnerable situations; and is a fundamental component for the exercise of democracy. It is also one of the first international instruments that contributes, in its design, to gender mainstreaming.

I do not want to overlook the fact that the two instruments referred above are of paramount importance during the pandemic we are living through. The Guide to International Contracts can serve users in those situations where international contracting has been disrupted by COVID-19 and the economic implications that this represents. Whereas, the proposed Model Law on Access to Public Information includes important and updated parameters that will facilitate transparency and confidence with respect to emergency decisions adopted to combat this scourge.

I would also like to place on record two documents recently adopted at the August session. At that occasion, the CJI approved a "Guidelines on Binding and Non-Binding Agreements", which offer a concrete and detailed set of definitions, points of understanding, and best practices that OAS member

states might consider using in the negotiation, adoption, or implementation of different types of international agreements, as well as in their interaction with the various actors involved (States, government entities, and territorial units). Such Guidelines provide greater knowledge in these areas and lower the risk of future difficulties with other states in the region and around the world. In the field of cybersecurity, the Committee emphasized the need to provide OAS Member States with clear parameters on the application of international law to cyberspace—and thus limit the risks of unintended escalation or conflict. Thus, based on the proposals contained in the report entitled “International Law and State Cyber Operations” the CJI recommends that the OAS General Assembly support the applicability of international law to state operations in cyberspace through a declaration included in the text of a resolution adopted by the CJI.

I would like to take this opportunity to respectfully call on member states to consider disseminating all instruments referred to, as widely as possible among their authorities and relevant actors, and in the case of the Model Law 2.0 on Access to Public Information to adopt it.

In addition to the cited issues, the Committee’s agenda is composed of topics that correspond to mandates from the General Assembly, such as “electronic warehouse receipts for agricultural products”; “Protection of personal data” and “use of fireworks”. Other topics have been included on their own initiative such as diplomatic asylum, electoral fraud, international customary law, legal aspects of the external debt, foreign investment, business and human rights, principle of conventionality, extraterritorial validity of foreign judgments, foreign interference in democratic elections, and cyber-security.

I also take this opportunity to invite you to examine the progress of our work on the CJI website, which is constantly updated and reorganized with the support of the Department of International Law, the Technical Secretariat of the Inter-American Juridical Committee.

Promotion of International Law

As in previous years, the CJI held its traditional Course on International Law, with the support of the Department International Law, in Rio de Janeiro, Brazil in 2019. The Committee received representatives from various institutions which shows the enormous interest that the work of the CJI has aroused in such important bodies as the International Institute for the Unification of Private Law (UNIDROIT) and the African Union Commission on International Law. The CJI also received a visit from the Secretary General of the Organization, Mr. Luis Almagro, with whom we discussed the Organization's legal agenda. It must be noted that the Joint Meeting between the CJI and the legal advisors of ministries of foreign affairs of member states originally scheduled for August of this year was postponed to August 2021, at its headquarters in Rio de Janeiro, Brazil, due to the COVID-19 pandemic. These meetings are highly important to us and legal advisors, thus we encourage Member States to continue to facilitate such participation.

Budgetary issues

One last issue I want to address is the budget situation of the CJI. We thank all those delegations that constantly support the Committee so that its budget is not cut. Currently, the CJI has sufficient financial resources to carry out its work, but does not have the needed human resources at its Technical Secretariat, which is the Department of International Law. These human resources have been progressively cut in recent years. I urge member states to consider this situation, which impacts the effective development of the CJI's function, despite the Department's ongoing support for our work. On the other hand, any further reduction, however minimal, would definitely jeopardize the possibility of the Committee continuing to comply with General Assembly mandates in an efficient and timely manner, as it has done thus far. These mandates are increasing year by year in response to the growing need of member states for this body's contributions to the codification and progressive development of international law.

Mr. Chairman, delegates, thank you for the opportunity to address you in my capacity as Chair of the Inter-American Juridical Committee. As always, the work and efforts of this body and its Technical Secretariat, the Department of International Law of the Secretariat for Legal Affairs, are at the disposal of the OAS Member States.

Thank you very much.