

COMISSÃO JURÍDICA INTERAMERICANA  
COMITE JURIDICO INTERAMERICANO  
INTER-AMERICAN JURIDICAL COMMITTEE  
COMITÉ JURIDIQUE INTERAMÉRICAIN

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ORGANIZATION OF AMERICAN STATES

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**CJI/RES.II-3/89**

**RULES OF PROCEDURE  
OF THE INTER-AMERICAN JURIDICAL COMMITTEE**

(Amendments approved at the January-February 1976, August 1986, January-February 1987 and July-August 1991 regular meetings have been merged with the original *Rules*, which have been approved in the regular meeting held in July-August 1972. Their insertion in the original text has required a new numbering of *Rules of Procedure* articles).

Rio de Janeiro, Brazil  
1998

**CJI/RES.II-3/89**

**RULES OF PROCEDURE  
OF THE INTER-AMERICAN JURIDICAL COMMITTEE<sup>1</sup>**

**I**

**SCOPE OF THE RULES OF PROCEDURE**

**Article 1**

These *Rules of Procedure* shall govern the functioning of the Inter-American Juridical Committee, hereinafter mentioned as the Committee.

**Article 2**

The cases not provided for in these *Rules of Procedure*, in the *Statutes of the Committee*, or in the Charter of the Organization shall be decided by the Committee.

**II**

**PURPOSES**

**Article 3**

In accordance with article 99 of the Charter of the Organization and article 3 of the *Statutes*, the Committee has the following principal purposes:

- a) To serve as an advisory body of the Organization on juridical matters of an international character;
- b) To promote at the request of the organs mentioned in article 100 of the Charter, or on its own initiative, the progressive development and codification of international law, in accordance with the purposes and principles of the Charter;
- c) To study, at the request of the organs mentioned in article 100 of the Charter, or on its own initiative, the juridical problems related to the integration of the developing countries of the hemisphere and, insofar as may appear desirable, the possibility of attaining uniformity in their legislation.

**Article 4**

The Committee shall give priority to the matters that are assigned to it by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs or the Councils of the Organization.

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1. Last revision of this document approved at the July-August 1991 regular meeting.

### III

## FUNCTIONS AND POWERS

### Article 5

In order to carry out its purposes, and in accordance with articles 100 and 103 of the Charter and with article 12 of the *Statutes*, the Committee has the following principal functions and powers:

- a) To advise and inform on juridical matters of an international character the other organs of the Organization, when they so request;
- b) To carry out the studies and the preparatory work on juridical matters of an international character that are assigned to it by the organs of the Organization mentioned in article 100 of the Charter;
- c) When the request for advice or for information comes from a principal organ not mentioned in article 100 of the Charter, it shall be authorized by the General Assembly. If on the other hand the request comes from a subsidiary or dependent agency, it shall be authorized by the organ on which it depends;
- d) To prepare draft conventions or formulate opinions on matters of regional interest that refer to the progressive development of international law and to its codification;
- e) The Committee shall study the juridical problems related to the integration of the developing Member States in the economic, social, educational, scientific and cultural fields in accordance with the standards set forth in the Charter of the Organization. Also, the Committee shall study the possibility of attaining uniformity in the legislation of the Member States in these fields and in accordance with the rules indicated in the preceding clauses of this article.

### Article 6

The Committee may:

- a) Carry out, on its own initiative, the studies and preparatory work that it considers advisable;
- b) Suggest the holding of specialized meetings and conferences of an international character.

### Article 7

The Committee may also establish cooperative relations, within the hemisphere or outside of it, with universities, institutes, and other teaching centers, with bar associations and other associations of lawyers and with national and international committees, organizations and entities devoted to the development or codification of international law or to the study, research, teaching or dissemination of juridical matters of international interest.

## IV

### IDENTIFICATION DOCUMENT

#### Article 8

Each member of the Committee shall have an identification document issued to him by the General Secretariat of the OAS.

This document must be requested from the Secretary General within three months following the corresponding election.<sup>2/</sup>

## V

### CHAIRMAN AND VICE CHAIRMAN

#### Article 9

The Chairman and the Vice Chairman shall hold office for a term of two years and may not be reelected for an immediately following term. In case of vacancy in the office of Vice Chairman, a new Vice Chairman shall be elected to fill the remainder of the term of his predecessor.

#### Article 10

The Chairman and the Vice Chairman shall be elected separately and by secret vote. For that purpose the Secretariat of the Committee will give to each member a sheet of paper on which are listed the names of all the members of the Committee. Each member will mark with a cross only one name. The Chairman in office shall immediately declare elected to the corresponding office that member who has obtained at least six votes.

In case on the first ballot no member obtains at least six votes, the voting shall be repeated as many times as necessary until one member obtains the above-mentioned majority.

#### Article 11

The functions and powers of the chairman are:

- a) To open and close the sessions and to direct the discussion;

When the Chairman is also rapporteur on a topic, the Vice Chairman shall take over the chair once the topic is opened for discussion;<sup>3/</sup>

- b) To submit to the consideration of the Committee the matters that are listed on the order of business;
- c) To grant the floor in the order in which it is requested;
- d) To decide points of order. Nevertheless, when any member requests it, the point of

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2. Amendment approved at the January-February 1976 regular meeting.

3. Amendment approved by resolution CJI/RES.II-13/86, dated August 9, 1986.

order decided by the Chairman shall be submitted to the decision of the majority;

- e) To submit to a vote the topics under discussion that require decision, and to announce the results thereof;
- f) To bring to the attention of the other members the communications received from the organs of the Organization, from the American governments, or from the members of the Committee, or other communications that in his opinion should be brought to the attention of the other members;
- g) To represent the Committee before the other organs of the OAS, governments, organizations, agencies and other authorities;
- h) To be the intermediary between the members, or between them and the Committee, or between them and the authorities, in all cases which it is required;
- i) To give, verbally or in writing, information that the other members request of him;
- j) To supervise the acquisition of technical books, taking into account the available resources;
- k) To supervise the functioning of the Secretariat;
- l) The other functions and powers that these *Rules of Procedure* confer on him and those that the Committee assigns to him.

#### **Article 12**

At the beginning of each regular meeting, the Chairman shall give a report to the Committee on the manner in which he has complied, during the recess of the Committee, with the powers and functions that these *Rules of Procedure* confer on him and he shall submit to the consideration of the Committee the order of priority of the matters to be considered.

### **VI**

#### **SEAT AND MEETINGS**

#### **Article 13**

The Committee has its seat in the city of Rio de Janeiro. It may hold meetings in any other place in Brazil, or in the territory of any other Member State, with the affirmative vote of at least six of its members. In these cases, it shall make the pertinent arrangements through the General Secretariat to obtain agreement of the Member State concerned, taking into account also the provisions of article 17 of the *Statutes*.

#### **Article 14**

The total duration of the regular meetings may not exceed three months each year, in two separate periods.

The two regular meetings that the Committee holds during each fiscal year shall take place at

the start and middle of each year at dates set by the Committee during the preceding meeting, notwithstanding the provisions of article 20 of the *Statutes*.<sup>4/</sup>

### **Article 15**

At the beginning of a regular meeting, the Committee shall add to the agenda prepared prior to the close of the preceding regular meeting the new matters that may have been assigned to it, after approval of the agenda, by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, or the Councils of the Organization. In this case the provisions of article 4 of these *Rules of Procedure* shall be taken into account.

To include a new matter on its own initiative or to eliminate a matter previously included also on its own initiative, the Committee shall decide the question by the affirmative vote of at least six of its members.

### **Article 16**

To extend the regular meeting beyond the date originally established for its closing shall require the affirmative vote of at least six of its members.

The total annual extension may not exceed ten days. The provisions of article 17 of the *Statutes* shall be taken into account whenever an extension would cause the period of three months established in article 15 of the *Statutes* to be exceeded.

### **Article 17**

The Committee shall hold a special meeting:

- a) When it is convoked by the General Assembly or by the Meeting of Consultation of Ministers of Foreign Affairs;
- b) By its own decision during the course of a regular meeting by the affirmative vote of at least six of its members, in view of the importance and urgency of the matter or matters to be examined;
- c) During a recess of the Committee, at the request of one or more of its members. In this case, the chairman shall consult immediately with the other members, and once the agreement of at least six of its members has been obtained by the procedure of vote by telegram, he shall proceed to convoke it through the General Secretariat of the Organization.

Article 17 of the *Statutes* shall be taken into account in the case listed in paragraphs b) and c) of this article.

### **Article 18**

At a special meeting only the matters indicated in the notice of convocation shall be considered.

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4. Amendment approved by resolution CJI/RES.06(I-0/87), dated February 4, 1987.

### **Article 19**

When the Committee decides to meet away from its seat, or to hold special meetings in accordance with the procedure established in paragraphs b) and c) of articles 17 of these *Rules of Procedure*, or to engage in any other activity involving expenditures greater than those budgeted, it shall request the Secretary General to take the necessary measures to provide the funds required, in accordance with the financial and budgetary regulations in force.

The request shall include an explanation of the need and an estimate of the amount required.

### **Article 20**

The Secretary General of the Organization, or his representative, may participate with voice but without vote in the discussions of the Committee and of the subcommittees and working groups that may be established.

## **VII**

### **OBSERVERS AND SPECIAL GUESTS**

#### **Article 21**

The Committee, by the affirmative vote of at least six of its members, may invite representatives or organs and agencies of a world or regional nature and of national agencies, whether official or not, which are referred to in article 22 of the *Statutes*, to participate as observers in its discussions, if the Committee considers that this procedure can be useful for the better fulfilling of its task.

The expenses occasioned by the participation of observers shall be paid by the observers themselves or by the entities that they represent. Observers may take the floor upon invitation of the Chairman.

#### **Article 22**

The Committee, by the affirmative vote of at least six of its members, may invite specialists in a particular matter to take part in the discussions on that matter, without the specialists having necessarily to be nationals of a Member State of the Organization, and if the invitation involves expenditures, the Committee shall make a request for funds in accordance with the provisions of articles 23 of the *Statutes*.

#### **Article 23**

The Committee, by the affirmative vote of at least six of its members, may invite representatives of bar associations, associations of professors of law, and entities that specialize in the study of international law, as well as jurists who specialize in the study of international law, to hold joint meetings with it during its meetings.

The date of the beginning and the end of such meetings shall be indicated in the invitation.

The purposes of such joint meetings shall be:

- a) To examine the matters that are on the agenda of the meetings at which the joint meetings take place;

- b) To strengthen cooperative relations between the Committee and the agencies or persons referred to in the first part of this article;
- c) To offer the opportunity for such agencies and persons to become familiar with the activities of the Committee and to cooperate with it.

If the joint meetings involve expenditures, the Committee shall make a request for funds in accordance with the provisions of article 19 of these *Rules of Procedure*.

## VIII

### SESSIONS

#### Article 24

In each meeting there shall be an opening session, plenary sessions, and a closing session. There may be preparatory and formal sessions.

#### Article 25

For the purposes of the meetings of the Committee, the sessions shall be:

- a) Public, which may be attended, in addition to the members, by the Secretary General or his representative, observers, special guests, representatives of the news media, and the personnel of the Secretariat who may be needed;
- b) Restricted, which may be attended only by members, the Secretary General or his representative, observers and special guests, and the personnel of the Secretariat who may be needed;
- c) Private, which may be attended only by the matter of the Secretary General or his representative, and the personnel of the Secretariat who may be needed.

#### Article 26

The opening, closing, and formal sessions shall be public. The plenary sessions and those of the subcommittees and working groups shall be restricted. The preparatory sessions and those for the election of the Chairman and Vice Chairman shall be private.

The rule is not applicable, however, when the Committee, by the affirmative vote of at least six of its members, reaches a different decision that shall apply to one or more specifically determined sessions.

#### Article 27

The conclusions of the preparatory session or a regular or a special meeting shall be presented in the next plenary session.

#### Article 28



In the opening session of each meeting, the following matters shall be considered:

- a) The report referred to in article 12 of these *Rules of Procedure*, if it is a regular meeting;
- b) Determination of the order of precedence for voting;
- c) The approximate duration of the meeting and the tentative schedule proposed for it;
- d) Other matters which owing to their nature need to be resolved during the opening session.

#### **Article 29**

In the plenary sessions the matters mentioned in article 15 of the *Rules of Procedure* shall be considered.

#### **Article 30**

In the closing session of each meeting the following matters shall be considered, when appropriate:

- a) The agenda of the next regular meeting and the appointment of rapporteurs;
- b) The possibility of changing the opening date of the next regular meeting;
- c) The annual report and the special reports referred to in article 13 of the *Statutes*;
- d) The opinions and reports referred to in the first paragraph of article 33 of the *Statutes*, and the works, studies, opinions and drafts mentioned in the second paragraph of that statutory provision;
- e) The work program referred to in article 112 c) of the Charter and article 36 of the *Statutes*;
- f) The appointment of observers of the Committee to the General Assembly of the OAS and to the meeting of the International Law Commission of the United Nations;
- g) Other matters which owing to their nature need to be resolved during the closing session.

#### **Article 31**

In the formal sessions the procedure shall be in accordance with the purpose of such sessions, observing the appropriate rules of protocol.

## IX

### QUORUM AND VOTING

#### Article 32

The sessions may be held with the following quorum:

- a) The preparatory sessions, with at least four members;
- b) The opening, plenary and closing sessions, with at least six members;
- c) Formal sessions, and those of the subcommittees and working groups, with those present.

#### Article 33

Each member is entitled to one vote only.

Therefore, the Chairman or the Vice Chairman, as the case may be, may not break a tie in case of a tie in a voting.

#### Article 34

A vote may be cast only in favor, against or in abstention.<sup>5</sup>

#### Article 35

The recommendations, resolutions and opinions of the Committee on non-procedural matters shall require the affirmative vote by roll call of at least six of its members.

The same majority shall be required in the case of difference of opinion as to whether a question is one of substance or of procedure.

Procedural matters are decided by the majority of the members present.

#### Article 36

The majorities established in the preceding article shall not invalidate anything to the contrary expressly established in the *Statutes* or these *Rules of Procedure*.

#### Article 37

If he announces his intention at the time the vote is taken, a member of the Committee shall have the right to have a written explanation of his concurring or dissenting vote included in the record following the decision approved. The text of the explanation shall be delivered to the Committee within a period not exceeding ten days, or in the period specified by the Committee.

In the cases given in articles 13, 14, 15, 16, 17, 21, 30 and 38 of these *Rules of Procedure*, as also in procedural questions or matters, such written explanation of vote will appear in the minutes.

#### Article 38

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5. Amendment approved at the January-February 1976 regular meeting.

If a matter not included in the order of business of a session is presented for consideration, there shall be a decision as to whether or not it will be discussed immediately.

An affirmative decision requires the affirmative vote of at least six members.

#### **Article 39**

Draft resolutions, proposals and the amendments shall be presented in writing to the Chairman, who shall have copies distributed to all the members. In the course of a session, however, it may be decided as a procedural matter to discuss such drafts without copies having been distributed.

#### **Article 40**

During the discussions, any member of the Committee may raise a point of order, which shall be decided immediately by the Chairman. Every decision in this regard can be opposed, that issue to be immediately submitted to a vote, which is to be decided by the affirmative vote of a majority of six members.

#### **Article 41**

Any member of the Committee may request during any session as a point of order the adjourning or the closing of the discussion of a matter.

Any member may also request as a point of order that the session be adjourned or closed. Such a request may be explained briefly.

In the cases in which it is decided to adjourn the discussion or to close the session, the date on which it is to be renewed shall also be decided.

#### **Article 42**

The motions on points of order mentioned in the preceding article shall be submitted immediately to a vote.

#### **Article 43**

The motions on the closing of a session, the adjournment of a session, the closing of the discussion or the adjournment of the discussion shall have preference, in the order in which they are mentioned above, over all other motions.

#### **Article 44**

After the discussion is closed, there will immediately be a vote on the proposals presented, with the amendments that have been proposed. No member may interrupt a vote, except for a point of order relating to the manner in which the vote is taking place.

The voting shall be finished when the Chairman has announced the result.

#### **Article 45**

The proposals shall be submitted to a vote in the order in which they were presented, unless the Committee decides to the contrary.

Motions whose purpose is for the Committee not to pass upon the substance of such proposals shall, however, be considered as preliminary matters and shall be submitted to a vote before such proposals.

#### **Article 46**

Amendments shall be submitted to discussion and to a vote before there is a vote on the proposal they would modify.

#### **Article 47**

When several amendments to a proposal are presented, the amendment that would modify the substance of the original proposal the most shall be voted on first, and immediately afterwards, the amendment that, after the one previously voted on, would modify the proposal the most, and successively until all the amendments have been voted on. If there is doubt in this regard, the amendments shall be considered in the order in which they were presented.

When the approval of an amendment necessarily implies the exclusion of another one, the latter shall not be submitted to a vote. If one or more amendments have been approved, the proposal in the form in which it has been specified shall be put to vote.

#### **Article 48**

A motion shall be considered as an amendment to a proposal when it has an addition, a deletion, or a modification of such proposal.

#### **Article 49**

When it is decided to include a topic on the agenda, the Committee shall appoint, by absolute majority vote of all members present at the time of voting, a rapporteur, who shall have the following functions:<sup>6</sup>

- a) To prepare a preliminary report containing an analysis of the topic, its doctrinal approach; the report can contain also the personal opinion of the rapporteur on the topic;
- b) Once the report has been presented and discussed by the Committee, the rapporteur shall gather the points of view of the other members and prepare a new text that reflects the point of view prevailing among the members of the Committee;
- c) Each time a draft convention is approved, the rapporteur on the topic shall write a commentary article by article, and give a detailed review of discussions thereon by the Committee. Said report shall be discussed at the subsequent regular meeting, at the latest.
- d) Any member of the Committee who, on his own initiative, requests the inclusion of a

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6. Amendment approved by resolution CJI/RES.06 (I-0/87), dated February 4, 1987.

new topic in the agenda must submit a written report stating the reasons for such request.<sup>7</sup>

#### **Article 50**

Approval of requests for reconsideration shall require a majority vote of the members present. Approval of reconsiderations shall require the affirmative vote of at least six members.<sup>8</sup>

#### **Article 51**

A request for reconsideration of a substantive question must be made and voted on before the close of the session immediately following the one in which that question was approved. A request for reconsideration of a procedural question must be made at the same session immediately following the approval of the question.<sup>9/</sup>

#### **Article 52**

The reconsideration of a substantive question shall begin to be dealt with by not later than the session following the one in which the corresponding request was approved, and reconsideration of a procedural question, immediately after the approval of the request.<sup>10</sup>

#### **Article 53**

The minutes of each session shall be distributed as soon as possible, in draft form, to the members of the Committee who may, within three working days following their receiving the minutes, propose corrections to the Secretariat.

The differences of form or of substance raised by such corrections shall be resolved by the Chairman.

Nevertheless, when any member requests it, questions relating to a correction of substance shall be submitted to the decision of the Committee which all decide it by a majority.

The minutes, once the relevant corrections have been included, shall be distributed without delay to the members of the Committee.

At the start of each session, the Committee chairman shall put the respective minutes drafted by the Secretariat to a vote. Members shall then have the opportunity to propose any pertinent amendments.<sup>11</sup>

#### **Article 54**

Decisions on the following matters shall not be reconsidered:

- a) Election of the Chairman;
- b) Election of the Vice Chairman,

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7. Amendment approved by resolution CJI/RES.II-5/91, dated July 29, 1991.

8. Amendment approved at the January-February 1976 Regular Meeting.

9. Ibid.

10. Ibid.

11. Amendment approved by resolution CJI/RES.06 (I-0/87), dated February 4, 1987.

- c) Appointment of observers.<sup>12</sup>

### **Article 55**

Proposals and amendments may be presented in writing with alternative solutions in parenthesis.

These alternative solutions must be submitted for discussion and voted on before the text without parenthesis is submitted.

When various alternative solutions are presented to the same proposal or amendment, the procedure indicated in article 47 of these *Rules* shall be followed.

However, when a rapporteur presents an alternative proposal or amendment, it shall be put to a vote before other proposals or amendments.

The Committee may decide that a given proposal or amendment be considered or voted on without the application of articles 45, 46 and 47 if it so decided by the affirmative vote of at least six of its members.<sup>13/</sup>

## **X**

### **RAPPORTEURS**

#### **Article 56**

When the difficulties of the topic, the diversity of opinions or other causes make it advisable, the Committee may name by the affirmative vote of at least four members a working group, presided over by the rapporteur, which should be as representative as possible of the different opinions expressed.

The members who do not form part of the working group may participate in the sessions with voice but without vote.

#### **Article 57**

To fulfill his functions, the rapporteur may request directly to the General Secretariat that it prepare background documents and provide other technical services, in accordance with the provisions of article 28 of the *Statutes*. He may also receive, in regard to the topic under study, commentaries or information from the institutions mentioned in article 12 e) of the *Statutes*.

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12. Amendment approved at the January-February 1976 Regular Meeting.

13. Ibid.

## XI

### MINUTES OF THE SESSIONS

#### Article 58

Notwithstanding articles 59 and 60 of these *Rules of Procedure*, the Secretariat shall prepare summary minutes of the sessions of the Committee. Such minutes shall include the opinions expressed, the date and the hour of the session, the names of those present, the matter or matters considered, and the agreements that might have been reached.

Minutes of the sessions of the subcommittees or working groups shall not be prepared except when so decided by the Committee by the affirmative vote of at least six of its members.

#### Article 59

The minutes shall contain a verbatim report of the statement of any member when for such purpose he presents it in writing during a session or within one working day immediately following the session.

#### Article 60

The Committee, by the affirmative vote of at least six of its members, may decide in special cases that the minutes be taken by a stenographic or recording system.

#### Article 61

The minutes shall be signed by the Chairman, who may delegate that function to the Secretary. The minutes shall be kept permanently in the files of the Committee.

#### Article 62

A copy of all the minutes shall be sent to the General Secretariat, which, in turn, shall distribute them to the Member States, and to those organs of the Organization or the Inter-American System directly interested in the matters considered.

## XII

### FINAL DOCUMENTS OF THE MEETINGS

#### Article 63

The recommendations, resolutions, and opinions approved by the Committee, and the explanations of vote that have been issued, the final act of each meeting and the annual report to the General Assembly shall be sent to the General Secretariat with sufficient time for the Permanent Council to formulate comments, if it considers it advisable, in accordance with article 90 f) of the Charter.

### **XIII**

#### **OFFICIAL AND WORKING LANGUAGES**

##### **Article 64**

The official languages of the Committee are English, French, Portuguese and Spanish. Any member may request interpretation of the discussions or translation of documents from one to another or other official languages.

##### **Article 65**

The summary minutes of the sessions shall be written in Spanish, and also in Portuguese when the sessions are held in Brazil. When circumstances permit it, the minutes shall also be written in the other official languages.

### **XIV**

#### **AMENDMENTS TO THE RULES OF PROCEDURE**

##### **Article 66**

These *Rules of Procedure* may be amended by the affirmative vote of at least six of the members.

Rio de Janeiro, August 11th, 1991

Jorge Reinaldo A. Vanossi  
Roberto MacLean Urgateche  
Manuel A. Vieira  
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Luis Herrera Marcano  
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