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INTER-AMERICAN JURIDICAL COMMITTEE

COMISSÃO JURÍDICA INTERAMERICANA

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STATUTES OF THE INTER-AMERICAN JURIDICAL COMMITTEE

(Adopted by resolution AG/RES.89 (II-O/72) at the Second Regular Session of the General Assembly, held in Washington, DC, April 1972 and amended by resolutions AG/RES.885 (XVII-O/87), at the Seventieth Regular Session of the General Assembly, held in Washington, D.C., November 1987. AG/RES.2282 (XXXVII-O/07), at the Thirty-Seventh Regular Session of the General Assembly, held in Panama City, June 2007, and AG/RES. 2974 (LI-O/21) at the Fifty-First Regular Session of the General Assembly, Virtual Session, Guatemala, November 2021).

Rio de Janeiro, Brazil
2021

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I

NATURE AND PURPOSES

Article 1

The Inter-American Juridical Committee is one of the organs by means of which the Organization of American States carries out its purposes. Its composition and operation shall be in accordance with the provisions of the Charter and of these *Statutes*.

Article 2

The Committee represents all the member States of the Organization and has the broadest possible technical autonomy. The members of the Committee have full independence in their opinions and enjoy the privileges and immunities established by article 134 of the Charter.

Article 3

The purpose of the Committee is to serve the Organization as an advisory body on juridical matters; to promote the progressive development and the codification of international law; and to study 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.

II

COMPOSITION

Article 4¹

The Committee shall be composed of eleven jurists, nationals of the member States, elected by the General Assembly in their personal capacity for a period of four years, from panels of three candidates presented by those states.

Its members may be reelected consecutively only once. Their terms of office shall begin on January first of the year following their election. Part of the membership of the Committee shall be replaced every year.

¹ Amended by resolution AG/RES.2282 (XXXVII-O/07), at the Thirty-Seventh Regular Session of the General Assembly, held in Panama City, June 2007.

Article 5²

In the election of the members of the Committee, gender parity and an equitable geographical representation shall be taken into account, insofar as possible. No two members may be nationals of the same State.

Article 6

A member State may propose nationals of other member States on its panel of three candidates. The candidates shall be of high moral character, possess the scientific knowledge and the experience required for the best performance of their duties, and be able to devote themselves exclusively to the work of the Committee during its meetings.

Article 7

Prior to each election, either to replace a member at the end of his normal term or to fill a vacancy owing to some other cause, the General Secretariat shall invite the governments of the member States to present their respective panels of three candidates, if they wish to do so, at least 30 days in advance, together with their biographical data, and shall immediately communicate them to the government. Subsequently, the General Secretariat shall submit to the General Assembly a list of the proposed panels of three candidates, drawn up in accordance with the alphabetical order of the names of the countries making the proposal and accompanied by the corresponding biographical data.

Article 8

In the event of a vacancy caused by a reason other than the expiration of the term of a member of the Committee, the successor elected shall begin serving immediately and shall complete the term of his predecessor.

Article 9³

The failure of a member of the Committee to attend its meetings for two consecutive period of sessions shall automatically result in vacancy of his position, unless the Committee issues a substantiated statement at the second failure to attend indicating that such failure is fully justified.

III**CHAIRMAN AND VICE CHAIRMAN****Article 10**

The Committee shall elect a Chairman and a Vice Chairman from among its members by the concurring vote of six of them. They shall hold office for a term of two years, or for such time as remains to be served of their terms as members of the Committee, if the latter should be shorter. The powers of the Chairman and the Vice Chairman shall be set forth in the *Rules of Procedures* of the Committee.

² Amended by resolution AG/RES. 2974 (LI-O/21) at the Fifty-First Regular Session of the General Assembly, Virtual Session, Guatemala, November 2021.

³ Amended by resolution AG/RES. 885 (XVII-O/87) at the Seventeenth Regular Session of the General Assembly, Washington, D.C., November 1987.

Article 11

In the event of temporary absence of the Chairman, he shall be replaced by the Vice Chairman; in the event of permanent absence of the Chairman, he shall be replaced by the Vice Chairman until his term is ended and a new Vice Chairman shall be elected; and in the temporary absence of both, an interim Chairman shall be elected by the same majority as called for in article 10.

IV

FUNCTIONS AND POWERS

Article 12

The Inter-American Juridical Committee has the following principal functions and powers:

- a) To provide advice on juridical matters requested of it by other organs of the Organization;
- b) To undertake the studies and preparatory work assigned to it by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, or the Councils of the Organization;
- c) To undertake, on its own initiative, such studies and preparatory work as it considers advisable;
- d) To suggest to the General Assembly and to the Councils the holding of specialized conferences on juridical matters; and
- e) To establish cooperative relations 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 information on juridical matters of international interest.

Article 13

The Committee shall present to the General Assembly an annual report and such special reports on its activities, as it may consider necessary.

The Committee shall send these reports to the General Secretariat, as far in advance as called for by regulations, so that it may transmit them to the governments of the member States and to the Permanent Council, for the purposes called for in article 91 f) of the Charter.

Each year the Committee may designate one of its members for the purpose of reporting on the work of the Committee to the General Assembly.

The Committee may also designate one of its members as an observer at meetings of other organs of the Organization when the agendas of such meetings include juridical topics of interest to the Committee, in accordance with the pertinent rules of procedure.

V

SEAT OF THE COMMITTEE AND MEETINGS

Article 14

The Inter-American Juridical Committee shall have its seat in Rio de Janeiro.

However, in special cases, the Committee may hold meetings in any other place that it may duly designate. It shall first obtain agreement from the member State concerned and obtain the proper funding.

Article 15⁴

The Committee shall hold two regular meetings each year, lasting a total of up to three months. However, these meetings may be extended for an additional period of up to ten days, when the Committee considers it necessary. It shall also hold special meetings when convoked by the General Assembly or by the Meeting of Consultation of Ministers of Foreign Affairs or when the Committee itself decides to do so in view of the importance and urgency of the matter or matters it is to study, taking into account the provisions of article 17 of the Rules of Procedure.

Article 16

If, while the Committee is in recess, any of its members should propose the holding of a special meeting, the Chairman shall consult with the other members as to whether they agree to hold such a meeting.

When at least six of its members so agree, and in such cases as are referred to in the second part of the previous article, the Chairman shall issue the corresponding notice of convocation through the General Secretariat of the Organization.

Article 17

When the Inter-American Juridical Committee decides to hold a meeting away from its seat, to hold a special meeting, to extend a regular meeting, or to engage in any other activity involving expenditures, it shall request the Secretary General of the Organization to take the necessary measures to provide the corresponding funds, in accordance with the financial and budgetary regulations in force.

Article 18

At the beginning of a regular meeting, the Committee shall add to the agenda prepared prior to the close of the previous regular meeting any new matters that, pursuant to article 100 of the Charter, may have been assigned to it after the approval of the agenda, or that it may, by a majority decision by six of the members participating, decide to include thereon.

Prior to the close of each regular meeting, the Committee shall determine the opening date of the next one.

Article 19

When the Chairman of the Committee convokes the members to a special meeting, he shall list in the notice of convocation the matters that are to be considered, as the respective organs may have determined in accordance with articles 15 and 16 of these *Statutes*.

At a special meeting, the Committee shall consider only the matters indicated in the notice of convocation.

⁴ Amended by resolution AG/RES. 885 (XVII-O/87) at the Seventeenth Regular Session of the General Assembly, Washington, D.C., November 1987.

Article 20

While it is in recess, and at the request of any of its members, the Committee may decide, by a majority of eight votes, given in reply to the inquire made by the Chairman for this purpose, by mail, cable, or any other means of communication, as to a change of the date already set for a regular or special meeting.

Article 21

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

Article 22

The Committee may invite the organs and agencies of the Organization, world or regional international institutions, and the national entities referred to in article 12 e) of these *Statutes* to be represented in its discussions by observers. The observers may take the floor when the Chairman invites them to do so.

The expenses occasioned by the participation of observers shall be paid by the observers themselves or by the entities they represent.

Article 23

The Committee may invite specialists in a certain subject to take part in its discussions on that subject. In the event that such an invitation involves expenditures, it shall make the corresponding request for funds to the General Secretariat.

Article 24

The Inter-American Juridical Committee may, during its sessions, hold joint meetings with bar associations and other associations of lawyers, groups of law professors, or authors or entities that specialize in the study of international juridical problems.

The purpose of these joint meetings will be:

- a) To study topics on the agenda of the Committee;
- b) To strengthen cooperative relations between the Committee and the natural or juridical persons referred to above; and
- c) To afford these professional persons an opportunity to become familiar with the activities of the Committee and to cooperate with it.

If the joint meetings involve any expense, the Committee shall request the funds from the General Secretariat.

VI

QUORUM AND VOTING

Article 25

Six members shall constitute a quorum for conducting the business of the Committee, but it may hold preparatory sessions with only four of its members present. The preparatory sessions shall be merely deliberative.

Article 26

Each member shall be entitled to one vote only.

Article 27

For the adoption of recommendations, resolutions, and opinions of the Committee on any matters that are not procedural, the concurring vote, by roll call, of at least six of its members shall be required.

Procedural matters shall be decided by a majority of the members present.

If there is a difference of opinion as to whether a matter is one of substance or of procedure, the question shall be decided by the vote of at least six of the members of the Committee.

A Committee member shall have the right to have the explanation of his concurring or dissenting vote included in the record following decisions approved on matters of substance, if he announces his intention at the time the vote is taken. The text of this explanation of vote shall be delivered within ten days, or such period as the Committee may indicate.

VII

SECRETARIAT

Article 28

The General Secretariat of the Organization shall provide full technical and secretariat services to the Inter-American Juridical Committee, which has its seat in Rio de Janeiro, and shall carry out its instructions and assignments.

Article 29

When the Inter-American Juridical Committee considers it necessary to utilize the services of specialists who are to be paid by the Organization, it shall make the corresponding request to the General Secretariat.

Article 30

The General Secretariat shall publish the opinions, studies, reports, drafts, and resolutions of the Committee in the four official languages of the Organization.

It shall likewise give due publicity to the activities of the Committee among law faculties and schools, bar associations and other associations and federations of lawyers, communications media, international agencies and other institutions, and professors and other interested persons, unless an authoritative request to restrict such information is received.

Article 31

The General Secretariat shall cooperate with the Committee in the establishment and promotion of cooperative relations with universities, bar associations and other associations of lawyers, institutes and other teaching centers, and with national and international committees and entities devoted to study, research, teaching or dissemination of information on juridical matters of international interest.

Article 32

The Committee shall provide the General Secretariat with elements to facilitate the coordination of the Committee's activities with those of the other organs of the Organization and also with those of other international organizations or entities that are similar in nature to the Committee.

Article 33

The opinions and reports prepared by the Committee in response to inquiries or that contain studies or preparatory works assigned by the General Assembly or the Meeting of Consultation of Ministers of Foreign Affairs, and also those prepared on its own initiative and intended for either of those organs, shall be presented to the General Secretariat for appropriate action.

The works, studies, opinions, or drafts prepared by the Committee in accordance with the plans it prepares for the progressive development and the codification of international law, for studying the legal problems related to the integration of the developing countries of the hemisphere, and for the possibility of attaining uniformity in or harmonizing legislation of the American States, shall be circulated in accordance with the procedures established in those plans.

VIII**EXPENSES****Article 34**

The expenditures for the functioning of the Committee shall be included in the program-budget of the Organization.

Article 35

The travel expenses, honorariums, and per diem allowances of the members of the Committee for attendance at its meetings shall be borne by the Organization.

Article 36

The Committee shall submit its work program for each fiscal period to the Secretary General for the purposes indicated in article 112 c) of the Charter. The consultation referred to in that provision of the Charter shall be made to the Committee or, in the event that the Committee is not in session, to its Chairman.

IX**GENERAL PROVISIONS****Article 37**

Any amendment to these *Statutes* must be approved by the General Assembly. The Committee may propose to the Assembly any amendments that it considers advisable.

Article 38

The Committee shall adopt its Rules of Procedure by the affirmative vote of six of its members.