

CJI/RES. 259 (XCVII-O/20)

**GUIDELINES OF THE INTER-AMERICAN JURIDICAL COMMITTEE ON
BINDING AND NON-BINDING AGREEMENTS**

THE INTER-AMERICAN JURIDICAL COMMITTEE,

TAKING INTO ACCOUNT:

That the General Assembly of the OAS, in item i on “Observations and recommendations on the Annual Report of the Inter-American Juridical Committee”, of the resolution AG/RES. 2930 (XLIX-O/19) “International Law”, asked the CJI to provide permanent reports on all progress made on the themes included in its agenda, such as matters regarding binding and non-binding agreements;

FULLY AWARE that there is an increasing number of international agreements of a non-traditional nature, including non-binding agreements between States, as well as binding and non-binding agreements prepared by Government Ministries and sub-national territorial units;

CONSIDERING that the Guidelines for Binding and Non-binding Agreements can help Member States to have a clearer understanding of the various types of binding and non-binding international agreements that exist at present, and to better anticipate the preparation, application and interpretation of such agreements;

BEARING IN MIND the importance of having Guidelines available that can provide a concrete and detailed set of definitions, points of understanding, and best practices that Member States may employ in negotiating, concluding, or applying different types of international agreements and in their interaction with the various actors in charge of these matters (States, governmental entities and territorial units), thereby providing a deeper knowledge in these fields and lowering the risk of any future difficulties with other States in the region and around the world,

RESOLVES:

1. To adopt the “Guidelines of the Inter-American Juridical Committee for Binding and Non-binding Agreements” contained in the document “Binding and Non-binding Agreements: Final Report” (CJI/doc. 614/20 rev.1 corr.1), attached to this resolution.

2. To thank Dr. Duncan B. Hollis for his work as rapporteur of the theme and for presenting this report and the final version of the Guidelines.

3. To send this resolution and the Guidelines contained in the document “Binding and Non-binding Agreements: Final Report” (CJI/doc.614/20 rev.1 corr.1) to the General Assembly of the OAS for its due knowledge and consideration.

4. To request the Department of International Law, in its role as Technical Secretariat of the Inter-American Juridical Committee, to provide the “Guidelines of the Inter-American Juridical Committee for Binding and Non-binding Agreements” with the best possible dissemination and promotion among all interested parties.

This resolution was unanimously approved at the regular session on the 7th of August 2020, by the

following Members: Drs. Luis García-Corrochano Moyano, Eric P. Rudge, Mariana Salazar Albornoz, José Antonio Moreno Rodríguez, Milenko Bertrand-Galindo Arriagada, Duncan B. Hollis, Alix Richard, George Rodrigo Bandeira Galindo, Miguel A. Espeche-Gil, Íñigo Salvador Crespo and Ruth Correa Palacio.