

## **STATUTE OF THE JUSTICE STUDIES CENTER FOR THE AMERICAS**

November 15, 1999

THE GENERAL ASSEMBLY, MEETING IN SPECIAL SESSION,

HAVING SEEN the report presented by the Chair of the Special Group to Implement the Recommendations of the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas during the meeting of the Permanent Council of September 28, 1999 (CP/ACTA 1205/99);

BEARING IN MIND:

That the Heads of State and Government, in the Plan of Action adopted at the Second Summit of the Americas, in Santiago, Chile, in April 1998, agreed to "establish a Justice Studies Center for the Americas, which will facilitate the training of justice sector personnel, the exchange of information and other forms of technical cooperation in the Hemisphere, in response to the particular requirements of each country"; and

That on the occasion of the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, in Lima, Peru, in March 1999, it was recommended that a group of government experts, open to participation by all delegations, be established, inter alia, to prepare draft Statutes of the Justice Studies Center for the Americas;

CONSIDERING:

That the Permanent Council, in April 1999, established the Special Group, chaired by Peru and vice-chaired by Costa Rica and Trinidad and Tobago, to Implement the Recommendations of the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas;

That the General Assembly, through resolution AG/RES. 1615 (XXIX-O/99), supported and recognized "the progress being made by the Permanent Council's Special Group to facilitate the meetings of government experts on the establishment of the Justice Studies Center of the Americas";

That the Special Group on Justice, for purposes of furthering the implementation of the recommendations of the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, held four meetings of government experts to prepare the draft Statute of the Justice Studies Center for the Americas; and

That the Permanent Council, at its meeting of September 28, 1999, approved the draft Statute of the Justice Studies Center for the Americas; and

RECOGNIZING the work of the Special Group to Implement the Recommendations of the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas in preparing the draft Statute of the Justice Studies Center for the Americas, which enabled the negotiations entrusted to the Special Group to be conducted efficiently and completed by the deadline,

RESOLVES:

To establish the Justice Studies Center for the Americas and to adopt the following

DRAFT STATUTE OF THE

JUSTICE STUDIES CENTER FOR THE AMERICAS

CHAPTER I

NATURE

Article 1

The Justice Studies Center for the Americas (hereinafter the "Center") is an intergovernmental entity with technical and operational autonomy, established by resolution of the General Assembly of the Organization of American States (hereinafter the "OAS") in fulfillment of the mandates set forth in the Plan of Action of the Second Summit of the Americas (Santiago, April 1998) and the recommendations adopted at the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas (hereinafter "REMJAs").

Article 2

The Center is governed by this Statute and its Rules of Procedure. Its activities shall be carried out in accordance with the policy guidance reflected in the conclusions and recommendations of the REMJAs and, as appropriate, may take into account the pertinent mandates of the Summits of the Americas and resolutions of the OAS General Assembly.

CHAPTER II

OBJECTIVES AND FUNCTIONS

Article 3

The objectives of the Center are:

- a. To facilitate the training of justice sector personnel;
- b. To facilitate the exchange of information and other forms of technical cooperation; and

c. To facilitate support for the reform and modernization of justice systems in the region.

#### Article 4

The Center shall have the following functions, among others:

- a. To serve as a clearinghouse for the collection and distribution of information on national experiences pertaining to modernization and reforms of justice systems in the region;
- b. To carry out comparative analysis, research, and on justice issues studies, and facilitate their dissemination;
- c. To facilitate the dissemination of research and studies relating to justice in the Americas;
- d. To facilitate the training of justice sector personnel and the improvement of existing mechanisms for that purpose in the countries of the Hemisphere;
- e. To facilitate dissemination of information on teaching methods, model curricula, and training aids for personnel involved in the justice system;
- f. To facilitate the dissemination of relevant information on courses, seminars, fellowships and training programs; and
- g. To support cooperation related to the different systems of justice in the Hemisphere.

#### Article 5

In the performance of its functions, the Center shall take into account the different legal systems in the Hemisphere and, to the extent possible, shall use modern information technology as technical support for its operations. It shall also take into account the activities underway in this field at the international, regional, and subregional levels in order to promote cooperation and avoid duplication.

#### Article 6

In the event that a REMJA does not meet in a particular year or period, the powers and functions assigned to REMJA by these Statutes will be performed through the General Assembly of the OAS.

### CHAPTER III

#### COMPOSITION AND HEADQUARTERS

#### Article 7

All the member states of the OAS are members of the Center.

#### Article 8

Any permanent observer to the OAS and any national or international, governmental or nongovernmental, organization specializing in the subject area may become an associate member of the Center under the terms and conditions established in the Rules of Procedure of the Center.

The associate members may participate in all activities of the Center. They may also participate in meetings of the Board of Directors with voice but without vote.

#### Article 9

The organizational structure of the Center shall consist of: a Board of Directors, the Office of the Executive Director, and such advisory groups as may be established in accordance with this Statute.

#### Article 10

The Center may enter into cooperation agreements with the member states of the OAS and other states, as well as with international or national, governmental or nongovernmental, organizations, among others. Such agreements, which shall be approved by the Board of Directors and deposited with the General Secretariat of the OAS, shall specify the conditions and forms of participation in the Center's activities, as well as the rights and obligations of the parties.

### CHAPTER IV

#### THE BOARD OF DIRECTORS

#### Article 11

\* The Board of Directors shall be composed of seven members elected in their personal capacity by the OAS General Assembly from among candidates nominated by the member states of the OAS. The ways and means of ensuring representation on the Board of Directors for the host institution of the Center and for the associate members shall be determined by the REMJA on the basis of the recommendation of the Board of Directors.

\* The members of the Board of Directors shall serve for a three-year term; under no circumstances may they be re-elected for more than one consecutive term.

\* Vacancies that occur for reasons other than normal expiration of the term of office shall be filled at the next session of the OAS General Assembly.

\* Candidates for the Board of Directors shall be persons of high moral standing and with records of distinguished service in the fields of law, social science, education, or public affairs who have made important contributions to the development or implementation of justice system reforms in their countries.

\* The Board of Directors should reflect the various legal systems in the Americas and, to the extent possible, different sectors of the legal affairs community.

## Article 12

The functions of the Board of Directors are as follows:

- a. To appoint and establish the compensation of the Director of the Center, with the approval of the REMJA, and ensure that the Director implements the pertinent conclusions and recommendations adopted by the REMJA; in addition it will be empowered to remove the Executive Director;
- b. To oversee the management of the Office of the Executive Director;
- c. To approve the draft annual work plan in conformity with REMJA guidelines and to submit the medium and long-term plans to the REMJA;
- d. To approve the Center's annual program-budget and to submit to the REMJA medium and long-term financial policy proposals;
- e. To appoint an external auditor and review the external audit of the financial records submitted annually by the Executive Director;
- f. To draft, approve, and amend the Rules of Procedure of the Center;
- g. To establish, in consultation with the office of the Executive Director, the advisory groups deemed necessary to implement the objectives of the Center;
- h. To perform any other functions entrusted to it by the REMJA;
- i. To inform OAS member states through the REMJA, as well as the associate members and advisory groups, of the Center's activities and submit an annual report to the OAS General Assembly; and
- j. Authorize the establishment of funds and accounts necessary for the operation of the Center.

## Article 13

1. The Board of Directors shall meet at least once a year at the headquarters of the Center.

2. All member states of the OAS shall have the right to participate in meetings of the Board with voice but without vote.
3. The advisory groups provided for in Article 15 of this Statute shall be invited to participate in these meetings with voice but without vote.
4. The Chair of the Board of Directors shall be elected by an absolute majority of the members of the Board for the term specified in its Rules of Procedure.
5. The necessary quorum for a meeting of the Board of Directors shall be an absolute majority of its members.
6. On the Board of Directors, each member shall have one vote. The Board of Directors shall make every possible effort to reach its decisions by consensus. When a decision cannot be reached by consensus, the Board shall adopt its decisions by a majority of votes of the members in attendance.

## CHAPTER V

### THE OFFICE OF THE EXECUTIVE DIRECTOR

#### Article 14

1. The Office of the Executive Director shall be the operational unit of the Center. It shall be composed of an Executive Director and staff.
2. The Executive Director of the Center shall have the necessary professional, academic, and administrative experience necessary to fully discharge the responsibilities of the Center.
3. The Director shall:
  - a. Be responsible for the day-to-day operations of the Center, including all personnel decisions and the implementation of the policies approved by the REMJA, in accordance with direction provided by the Board of Directors;
  - b. Direct efforts to mobilize financial resources necessary to implement the Center's work plan;
  - c. Prepare and submit to the Board of Directors the draft annual work plan and program-budget of the Center, including projections for the medium and long term;
  - d. Implement the annual work plan within the resources allocated in the annual program-budget and any other resources obtained for that purpose;
  - e. Promote and represent the Center;

f. Serve as the Executive Secretary of the Board of Directors; and

g. Report regularly on the status of projects and activities and the results achieved in their implementation, on the management of the Center, and on the specific funds and other resources entrusted to the Center.

4. The Executive Director of the Center shall exercise his or her functions for a period of four years, renewable for a single consecutive term.

5. The Office of the Executive Director shall function at the headquarters of the Center.

## CHAPTER VI

### ADVISORY GROUPS

#### Article 15

The advisory groups established under Article 12 (g) may function at a site other than that of the Center. The requirements and terms of reference for their establishment shall be set forth in the Rules of Procedure.

#### Article 16

The findings and conclusions of the advisory groups with regard to the matters assigned to them shall be presented to the Board of Directors through the Executive Director of the Center.

## CHAPTER VII

### BUDGETARY AND FINANCIAL MATTERS

#### Article 17

The Center and its activities shall be financed by voluntary contributions provided by the OAS member states and by funds from other public and private sources.

To that end, the Board of Directors shall authorize the establishment of specific and fiduciary funds that may be required, such as those provided for in Articles 68 and 69 of the General Standards to Govern the Operations of the General Secretariat of the Organization of American States.

## CHAPTER VIII

### ENTRY INTO FORCE

#### Article 18

This Statute shall enter into force on the date of its adoption by the OAS General Assembly and may be amended only by that body.

#### TRANSITORY PROVISIONS

FIRST: For its first phase, the Center shall develop topics related to criminal justice, seeking to take advantage of the experience by other organizations in the Hemisphere in this area.

SECOND: The headquarters of the Center shall be selected by the REMJA based on the results of the assessments and the recommendations presented by the Board of Directors regarding the proposals made by member states.

To that end, the Board of Directors shall evaluate the site proposals of member states according to the following criteria, among others: institutional affiliation, financial and/or in-kind support, staff support, and other contributions and facilities to be provided for the Center. Until a site has been selected, the Center shall operate at OAS headquarters.

THIRD: For the first Board of Directors, three members will be elected for three years, two for a two-year term, and two for one year, the term to be chosen by lot.

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#### **GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES TWENTY-SIXTH SPECIAL SESSION**

November 15, 1999

Washington, D.C.

OEA/Ser.P AG/RES. 2 (XXVI-E/99)

15 November 1999

Original: Spanish

#### **ELECTION OF THE MEMBERS OF THE BOARD OF DIRECTORS**

(Adopted at the second plenary session, held on November 15, 1999, and pending review by the Style Committee)

THE GENERAL ASSEMBLY, MEETING IN SPECIAL SESSION,

HAVING SEEN the Statute of the Justice Studies Center for the Americas, adopted by way of resolution AG/RES. 1 (XXVI-E/99);

OBSERVING:

That Article 11 of the Statute of the Justice Studies Center for the Americas establishes that "The Board of Directors shall be composed of seven members elected in their personal capacity by the OAS General Assembly from among candidates nominated by the member states of the OAS"; and

That the third transitory provision states that "for the first Board of Directors, three members will be elected for three years, two for a two-year term, and two for one year, the term to be chosen by lot";

BEARING IN MIND that, under Articles 70 and 82 of the Charter of the Organization of American States, the Permanent Council has the competence, fulfills the functions, and deals with the matters assigned to it by the General Assembly;

BEARING IN MIND ALSO that under Article 23.h of its Statutes and Article 8.6 of its Rules of Procedure, the Permanent Council is to carry out decisions the implementation of which is specifically entrusted to it by the General Assembly;

CONSIDERING:

That the Permanent Council, at its meeting of September 28, 1999, set a deadline of 60 days from October 1, 1999, for the member state governments to advise the General Secretariat of the names of candidates for the Board of Directors of the Justice Studies Center for the Americas;

That the Permanent Council, in its resolution CP/RES. 754 (1207), scheduled the Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas for March 1 to 3, 2000, and that therefore the Board of Directors of the Justice Studies Center for the Americas must be formed before that date; and

That the Rules of Procedure of the General Assembly, in Chapter XI - Voting, establish election procedures that apply to the case of members of the Board of Directors of the Justice Studies Center for the Americas; and

HAVING ADOPTED, at this twenty-sixth special session, the Statute of the Justice Studies Center for the Americas,

RESOLVES:

1. That, by way of exception, the election of the members of the first Board of Directors of the Justice Studies Center for the Americas shall be conducted by the Permanent Council of the Organization of American States.
2. To instruct the Permanent Council to convene a meeting, on a date the Council deems appropriate, for the election of the members of the Board of Directors of the Justice Studies Center for the Americas, which shall be conducted according to the rules

provided in the Rules of Procedure of the General Assembly and the Statute of the Justice Studies Center for the Americas.