

COM/CITEL RES. 128 (X-01)¹

GUIDE FOR THE ADOPTION OF RESOLUTIONS, RECOMMENDATIONS AND DECISIONS BY CITEL BODIES

The X Meeting of the Permanent Executive Committee of CITEL, COM/CITEL,

HAVING SEEN:

Documents STE-178/01 “Opinion of the OAS Department of Legal Services in relation to a Guide for the adoption of resolutions, recommendations and decisions in the Permanent Consultative Committees,” requested by PCC.III and document COM/CITEL doc. 628/01 “Guide for the adoption of resolutions, recommendations or decisions by CITEL bodies,” requested by the Steering Committee”,

CONSIDERING:

That, in order to efficiently organize the work of CITEL, it is convenient to establish a guide for use of the CITEL Assembly, the Permanent Executive Committee of CITEL (COM/CITEL) and the Permanent Consultative Committees (PCCs) on the content of a “resolution,” a “recommendation” and a “decision” adopted in their respective areas,

RESOLVES:

1. To approve the “Guide for the adoption of resolutions, recommendations or decisions by CITEL bodies” attached hereto.
2. That the definitions and formats contained in this resolution are aimed at serving as a guide for the different entities of CITEL at their meetings. The expressions of the will of the corresponding entities as embodied in their documents will be valid in accordance with their content and the jurisdiction of the entity that issues them, and they are not deemed to be invalid if their format does not precisely observe the guidelines set forth herein.
3. That the subsidiary entities of the CITEL Assembly, COM/CITEL, and the PCCs will apply this guide as deemed relevant.

TO INSTRUCT THE EXECUTIVE SECRETARY:

To transmit this resolution, with its annex, to all CITEL bodies.

¹ COM/CITEL/doc.668/01

Annex

GUIDE FOR THE ADOPTION OF RESOLUTIONS, RECOMMENDATIONS AND DECISIONS BY CITEL BODIES

A. Resolution

a. Definition. It is the expression of the will of an entity whereby it approves, in the framework of its jurisdiction, measures or actions pertaining to any of the functions assigned to it by the corresponding provisions of the Statute of CITEL, the Regulations or other resolutions of competent entities, as a result of the opinion and criteria reached on the issue or issues subject of the resolution. Its application may be either permanent or transitory.

(i) The resolutions of the CITEL Assembly may refer, as the case may be, to any of CITEL's objectives as provided for in Article 3 or to the Assembly's functions, as provided for in Article 5 of the Statute of CITEL;

(ii) The resolutions of COM/CITEL may refer, as the case may be, to any of CITEL's objectives as provided for in Article 3 or to any of the functions provided for in Article 17 of the Statute of CITEL;

(iii) The resolutions of the PCCs focus on measures or actions for internal application referring to one or more aspects of a specific issue, included in the framework of the jurisdiction that the CITEL Assembly has assigned to them.

b. Format. The format of the resolutions should include an explanatory section and a decision-making section.

The explanatory section may contain one or more "Having seen" mentioning the legal documents, resolutions, or provisions that have been kept in mind as groundwork for the resolution and one or various "Taking into account," or "Considering," which describe the facts and standards that justify or make it necessary to approve the decision-making part of the resolution.

The decision-making section should contain one or more paragraphs setting forth the resolution. When necessary, a resolution may also include in its decision-making section one or more recommendations and one or more instructions, either to the Executive Secretary or to whomever it may concern.

B. Recommendation

a. Definition It is an expression of the will of an entity whereby it invites, in the framework of its jurisdiction, the administrations of the Member States or another deliberative organization of CITEL or OAS, to accept the opinion or criteria reached by the recommending entity on the different aspects of a specific issue or to implement them, as corresponds. Its application may be permanent or temporary.

(i). The recommendations of the CITEL Assembly may be addressed to the OAS General Assembly or to any other entity of the OAS, depending on the case, to the administrations of the Member States or to any consultative entity of CITEL;

(ii) The recommendations of COM/CITEL may be addressed to the administrations of the Member States, to the CITEL Assembly or to the other consultative entities of CITEL, and when the case merits it, to the OAS General Assembly, or to any other entity of the OAS, to present CITEL's position.

(iii) Recommendations of a PCC can be addressed to its Working Groups or Ad Hoc Groups, to another PCC, to COM/CITEL or to the CITEL Assembly, through the COM/CITEL.

b. Format. The format of the recommendations should include an explanatory section and a decision-making section.

The explanatory section should have the same characteristics as those indicated for the explanatory section of the resolutions.

The decision-making section should contain one or more recommendations. Furthermore, when necessary, it may contain one or more instructions to the Executive Secretary or to whomever it may concern.

C. Decision:

a. Definition. It is the expression of the will of an entity whereby it approves, in the framework of its jurisdiction, the implementation of a specific activity that is purely administrative. This category includes tasks such as the request for information, the remittance of forms to the national administrations or other similar entities.

b. Format. Decisions do not require any explanatory section. In the case of decisions of the PCCs, they will be described in the text of the minutes of the meetings and, in addition, shall be published in a table in the Final Report of each meeting, numbered consecutively. The decisions of the CITEL Assembly and the Permanent Executive Committee of CITEL will keep the current format.