

**CJI/RES. 290 (CIV-O/24)**

**PARTICULAR CUSTOMARY INTERNATIONAL LAW  
IN THE CONTEXT OF THE AMERICAS**

THE INTER-AMERICAN JURIDICAL COMMITTEE,

WHEREAS, at its 95th regular session, held in August 2019, the Juridical Committee included on its work agenda the topic of particular customary international law in the context of the Americas;

TAKING INTO ACCOUNT that, since that time, the rapporteur for the subject, Dr. George Rodrigo Bandeira Galindo, has presented six consecutive reports on the question; and,

CONSIDERING that conclusions can be drawn from the analysis of the jurisprudential and doctrinal dimensions and the practice of the OAS Member States, and that they could be useful to the Member States in addressing issues related to specific customary international law, without intending to establish binding standards or to constitute a compilation of the existing law on the matter,

RESOLVES:

1. To adopt the report “Particular customary international law in the context of the Americas,” document CJI/doc.719/24, annexed to this resolution.

2. To highlight the five conclusions set out in that report, which includes explanatory comments, namely:

- a. That customary international law can be either general or particular in nature, and that the latter kind binds a specific group of two or more States that are connected by some kind of interest.
- b. That particular customary international law is shaped by a combination of two elements: practice and *opinio juris*.
- c. That a particular customary international norm is not to be presumed to exist: it must always be proven.
- d. That acts and omissions by individuals can only be relevant to the establishment of a particular customary international norm if they are attributable to States.
- e. That the method for proving a norm of particular customary international law is uniform across the different fields of international law.

3. To thank the topic’s rapporteur, Dr. George Rodrigo Bandeira Galindo, for his sterling work in exploring this topic and preparing the aforementioned report.

4. To request that the Department of International Law, as the Technical Secretariat of the Inter-American Juridical Committee, publicize this report as widely as possible among the different stakeholders.

5. To convey this resolution and the attached report to the Organization's political bodies for their knowledge and consideration.

This resolution was unanimously approved at the regular session held on March 15, 2024, by the following members: Doctors George Rodrigo Bandeira Galindo, Nienke Grossman, Cecilia Fresnedo de Aguirre, Ramiro Gastón Orias Arredondo, Martha Luna Véliz, Luis Moreno Guerra, Alejandra Valencia, Eric P. Rudge, Julio José Rojas-Báez and Luis García-Corrochano Moyano.