



Inter-American Institute for  
Cooperation on Agriculture

Process Manual 5 Legal Advisory

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## Macroprocess

### 5 Legal Advisory

#### Objective

To guarantee effective and timely legal advice, in domestic, international and diplomatic law to Headquarters and the Delegations.

#### Scope

Hemispheric Level.  
Technical-regulatory and operative actions.  
Centralization at strategic levels and at Headquarters.  
Coordination at the level of the Delegations.  
Descentralization at the operational level by country.

#### Inputs

Law No.29.  
Convention on IICA, Law N° 6459.  
Requests from organizational entities at IICA.  
Request for review of legal instruments.  
International law and related domestic regulation.  
IICA Regulations, Policies and guidelines.  
Legal and administrative processes relating to Headquarters and to the Delegations.  
Framework Convention on IICA and Convention on Privileges and Immunities of the OAS.  
IPP Guide to Privileges and Immunities.

#### Processes

5.1 Legal institutional support.

5.2 Updating and dissemination of legal knowledge

5.3 Jurisdiction attention.

5.4 Analysis and Criteria regarding Diplomatic Rights of IICA and its International Professional Personnel.

5.5 Preparation, review and approval of Institutional regulations.

#### Outcomes

Legal criteria for guiding actions and decision making.  
Conventions and agreements duly formalized in keeping with the relevant regulation and in the best interest of the Institute.  
Legal instruments reviewed and updated for decision-making.  
Regulation updated and made available so that the Institute's work is in keeping with current legal guidelines.  
Legal processes safeguarding the Institute's immunity from prosecution on the basis of its international convention.  
Diplomatic recommendations and criteria for guiding actions, decision-making and in official State protocol.

**Process**

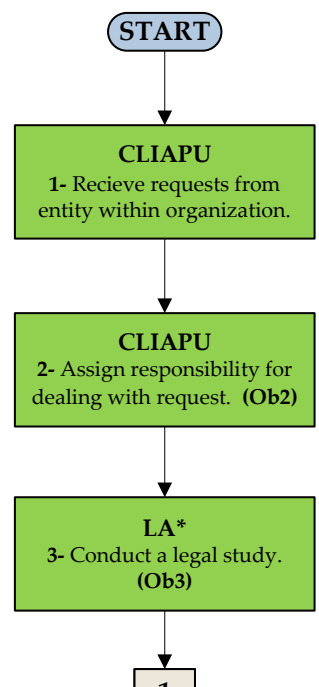
**5.1 Legal institutional support.**

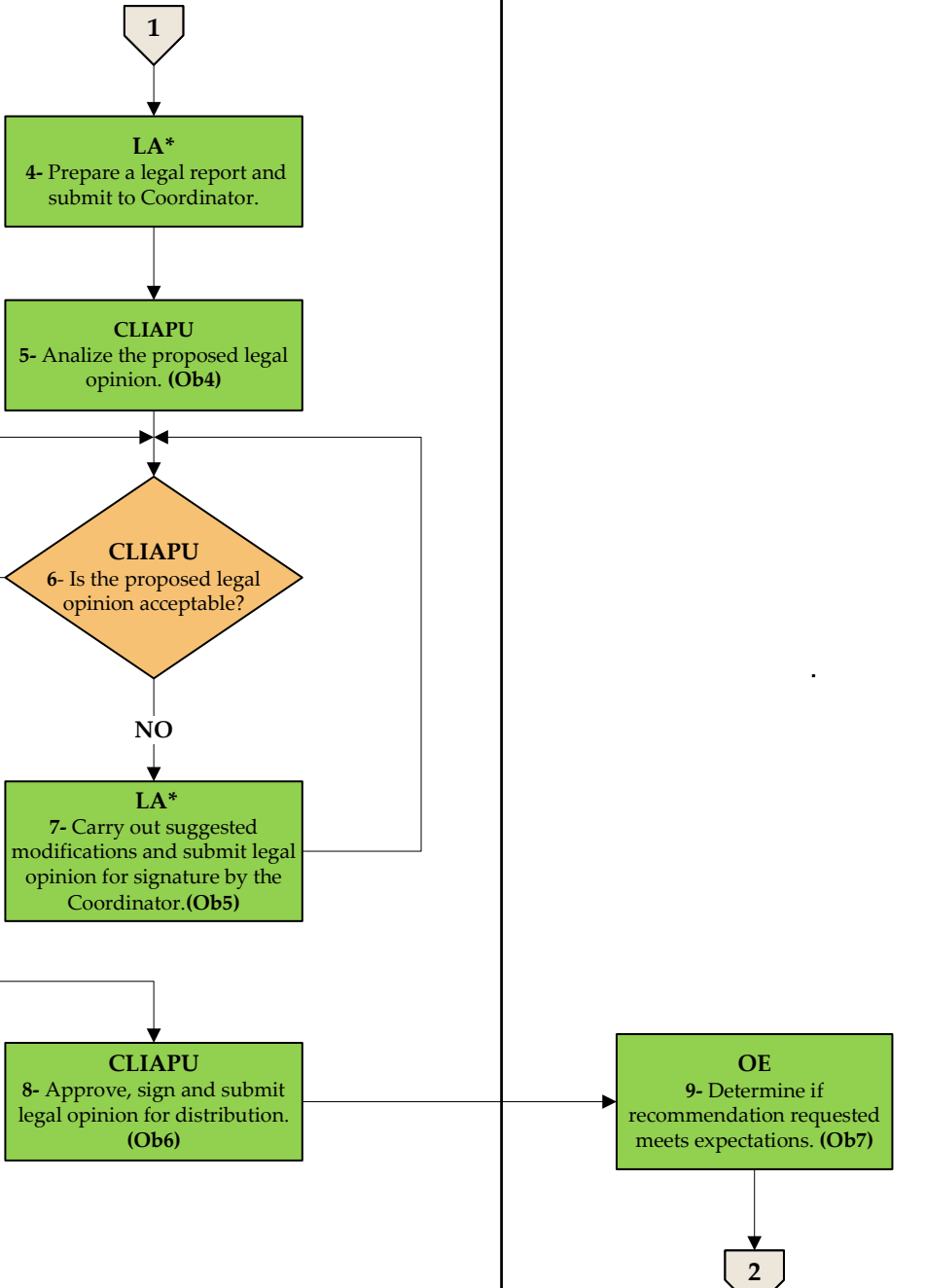
<b>Objective</b>	Guarantee prompt and efficient attention to legal queries that affect the institute for strategic decision making, in keeping with the international status of IICA.
<b>Scope</b>	Hemispheric level. Technical-regulatory and operational actions. Centralization at strategic levels and at Headquarters. Coordination with the Delegations. Decentralization at the operational level by country.
<b>Specific policies and rules</b>	<ol style="list-style-type: none"> <li>1. Approval of contract for the establishment of the Inter-American Institute of Agricultural Sciences, Law N° 29 of 22 December 1942.</li> <li>2. Convention on IICA in the Member States.</li> <li>3. Ratification of the Convention on the Inter-American Institute for Cooperation on Agriculture, Law N° 6459 of 11 September 1980. Article 26 establishes that the Institute will have, within the territory of each one of the Member States the legal capacity and the necessary privileges and immunities to carry out its functions and execute its plans.</li> <li>4. Convention on the Privileges and Immunities of the OAS.</li> <li>5. IICA Regulations, Policies and Guidelines.</li> <li>6. International Law.</li> <li>7. Related National Regulation.</li> <li>8. Member State Regulations for the request addressed.</li> <li>9. Includes international legal and multinational diplomatic advice.</li> <li>10. Does not include matters related to IPP that are dealt with through processes 3.4. Analysis and criteria on IICA diplomat rights and those relating to IPP.</li> <li>11. Relevant legal criteria are submitted, in the first instance, to the Deputy Director General.</li> </ol>
<b>Informatic systems</b>	Masterlex-SINALEVI- Data Base (Excel).
<b>Indicators</b>	<p>Percentage compliance within established timeframes:</p> <ul style="list-style-type: none"> <li>• 1 working day: specific requests.</li> <li>• 3 working days: legal analysis and recommendation not requiring coordination with other internal entities.</li> <li>• 10 working days: complex topics requiring coordination with internal and external entities.</li> </ul>

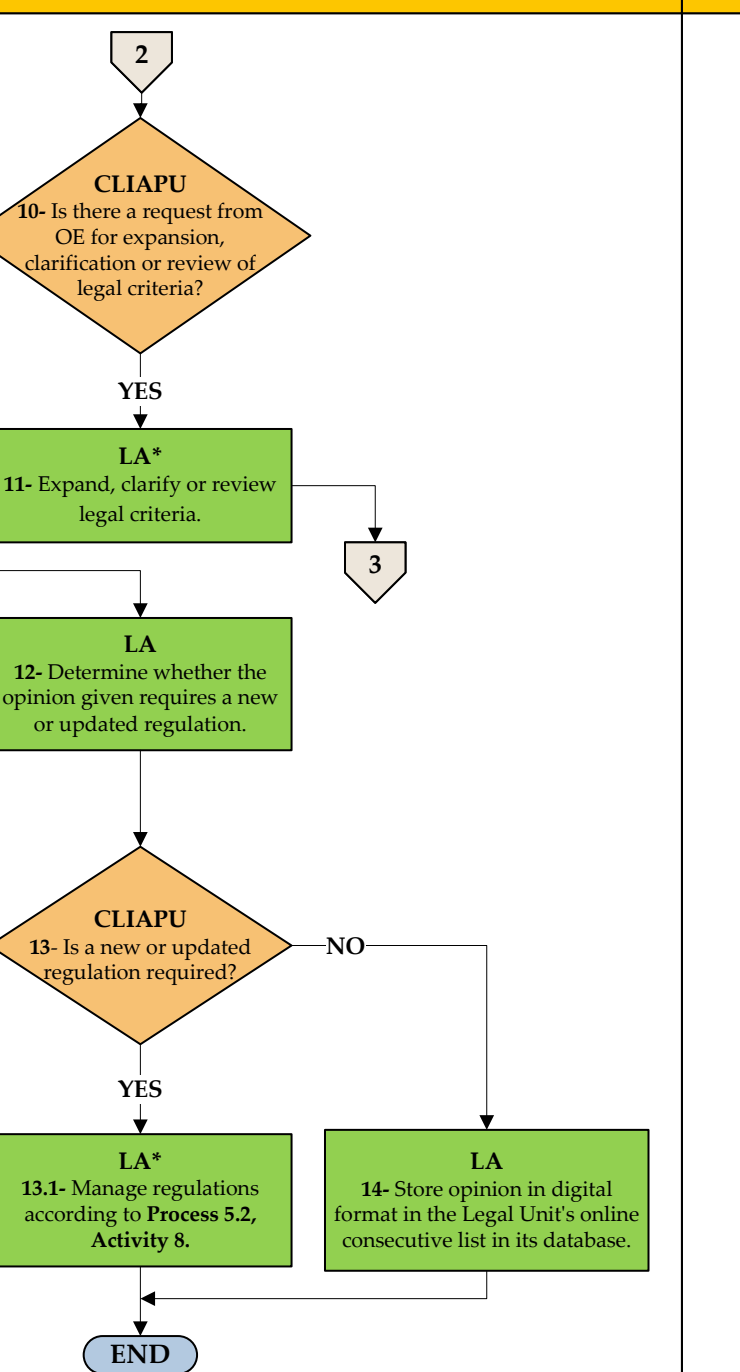
	<b>Inputs</b>	<b>References</b>
<b>Entries</b>	<ul style="list-style-type: none"> <li>• Requests from IICA entities.</li> <li>• Request for review of legal instruments (contracts and benefits).</li> </ul>	<ul style="list-style-type: none"> <li>• Law N° 29 of 22 December 1942.</li> <li>• Convention on IICA for the Member States.</li> <li>• Convention on IICA, Law N° 6459.</li> <li>• International Law and related local regulation.</li> <li>• IICA Regulations, Policies and guidelines.</li> </ul>
<b>Products</b>	<p>Legal criteria for guiding actions and decision making. Conventions and agreements duly formalized, in keeping with the relevant regulation and in the best interest of the Institute. Legal instruments (contracts and benefits) reviewed and updated for decision making.</p>	



**5.1 Legal institutional support.**

<b>INVOLVED</b> Organizational Entity ( OE ) Coordinator of the LIAP Unit ( CLIAPU ) Legal Advisor* ( LA* ) Legal Assistant ( LA ) Administrative Assistant ( AA )				
	<b>LEGAL, INTERNATIONAL AFFAIRS AND PROTOCOL UNIT</b>	<b>ORGANIZATIONAL ENTITY</b>	<b>MIXED</b>	<b>COMMENTS</b>
				<p><b>Ob1:</b> The request is registered via the appropriate support: (Excel sheet or other support): agreements, cooperation agreements, legal instruments (contracts, benefits). Formats of agreement, cooperation agreements, legal instruments (contracts, benefits) should be harmonized.</p> <p><b>Ob2:</b> The person responsible may be internal or external, in very extreme cases. The Legal Assistant will follow up on compliance with the deadlines, based on the indicators established.</p>

<b>LEGAL, INTERNATIONAL AFFAIRS AND PROTOCOL UNIT</b>	<b>ORGANIZATIONAL ENTITY</b>	<b>MIXED</b>	<b>COMMENTS</b>	
				<p><b>Ob3:</b> Research must be done on the appropriate rule, jurisprudence and doctrine. The Unit Coordinator may also conduct this research.</p> <p><b>Ob4:</b> The Coordinator of the Legal, International Affairs and Protocol Unit is responsible for this activity.</p> <p><b>Ob5:</b> The modifications to be made are outlined and submitted to the Legal Advisor, in the event that the legal opinion requires adjustment.</p> <p><b>Ob6:</b> It is referred to the requesting organizational entity.</p> <p><b>Ob7:</b> The institutional entity may request a broader recommendation, clarification or review. Any return of a request must be accompanied by a clear explanation of the reason for the decision. It must be confirmed immediately upon receipt.</p>

<b>LEGAL, INTERNATIONAL AFFAIRS AND PROTOCOL UNIT</b>	<b>ORGANIZATIONAL ENTITY</b>	<b>MIXED</b>	<b>COMMENTS</b>	
				

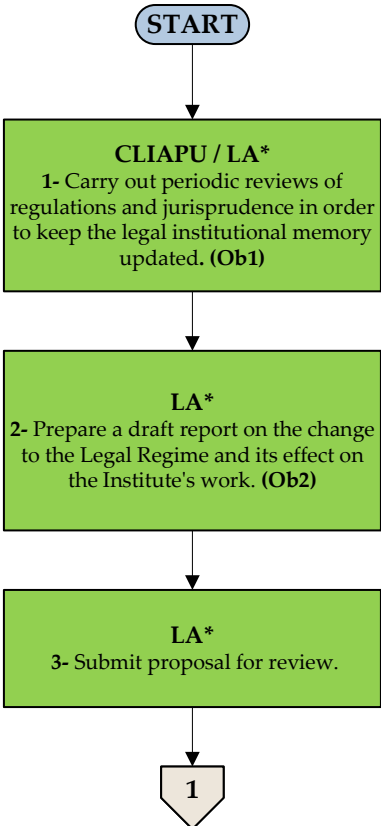
## Process

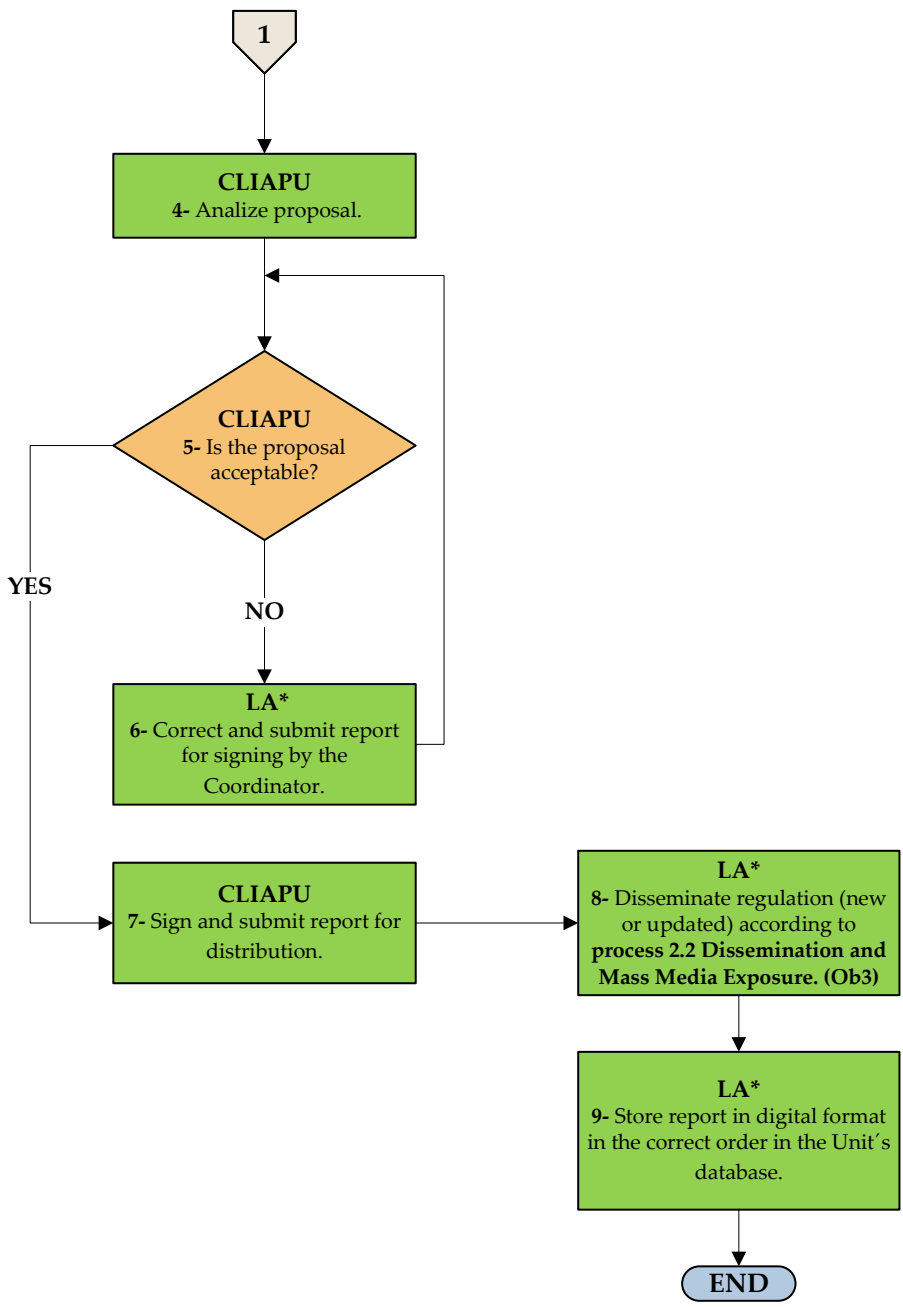
### 5.2 Updating and dissemination of legal knowledge.

<b>Objective</b>	To guarantee updated legal knowledge, in keeping with internal and external changes to the official institutional action.
<b>Scope</b>	Hemispheric level. Technical-regulatory and operational actions. Centralization at strategic levels and at Headquarters. Coordination at the level of the Delegations. Decentralization at the operational level by country.
<b>Specific policies and rules</b>	<ol style="list-style-type: none"> <li>1. The Legal Unit organizes and coordinates the management of legal information and participates in any topic that includes a legal regulatory component.</li> <li>2. Convention on IICA in the Member States.</li> <li>3. Approval of the contract for the establishment of the Inter-American Institute of Agricultural Sciences, Law N° 29 of 22 December 1942.</li> <li>4. Ratification of the Convention on the Inter-American Institute for Cooperation on Agriculture, Law N° 6459 of 11 September 1980. Article 26 stipulates that the Institute shall enjoy, in the territory of each of its Member States, the legal capacity, privileges, and immunities necessary for the exercise of its functions and the accomplishment of its purposes.</li> <li>5. Convention on Privileges and Immunities of the OAS.</li> <li>6. IICA Regulations, Policies and guidelines.</li> <li>7. International Law.</li> <li>8. Related national regulation.</li> <li>9. Related regulation in the Member States.</li> <li>10. Database of Administrative Jurisprudence derived from legal opinions and Judgements.</li> </ol>
<b>Informatic systems</b>	Masterlex-SINALEVI-Database (Excel).
<b>Indicators</b>	<ul style="list-style-type: none"> <li>• Percentage compliance with issue of new or updated law within the specified timeframe (maximum five working days after its approval).</li> </ul>

	<b>Inputs</b>	<b>References</b>
<b>Entries</b>	<ul style="list-style-type: none"> <li>• Changes in the national and international regulation that is likely to impact IIC's work.</li> </ul>	<ul style="list-style-type: none"> <li>• Convention on IICA, Law N° 6459.</li> <li>• IICA Regulations, policies and guidelines.</li> <li>• Convention on IICA in the Member States.</li> <li>• Governing Bodies Resolutions.</li> <li>• Database of Administrative Jurisprudence derived from legal opinions and judgements.</li> <li>• Relevant international and local legal framework.</li> </ul>
<b>Products</b>	Regulation updated and available so that the international action is in keeping with the current legal regime.	

**5.2 Updating and dissemination of legal knowledge ( Except for matters known by EANI).**

<b>INVOLVED</b>	Coordinator of the LIAP Unit ( CLIAPU ) Legal Advisor* ( LA* ) Legal Assistant ( LA ) Organizational Entity ( OE )	
<b>LEGAL, INTERNATIONAL AFFAIRS AND PROTOCOL UNIT</b>	<b>ORGANIZATIONAL ENTITY</b>	<b>COMMENTS</b>
		<p><b>Ob1:</b> Changes to the legal regime that affect the Institute have been detected such as the regulation arising from process 5.1.</p> <p><b>Ob2:</b> For example, a report containing a study of workers' rights at Headquarters, in comparison with the labor laws in each Member State.</p>

<b>LEGAL, INTERNATIONAL AFFAIRS AND PROTOCOL UNIT</b>	<b>ORGANIZATIONAL ENTITY</b>	<b>COMMENTS</b>
		<p><b>Ob3:</b> Management information is received for processes 5.1 and 5.2.</p>

## Process

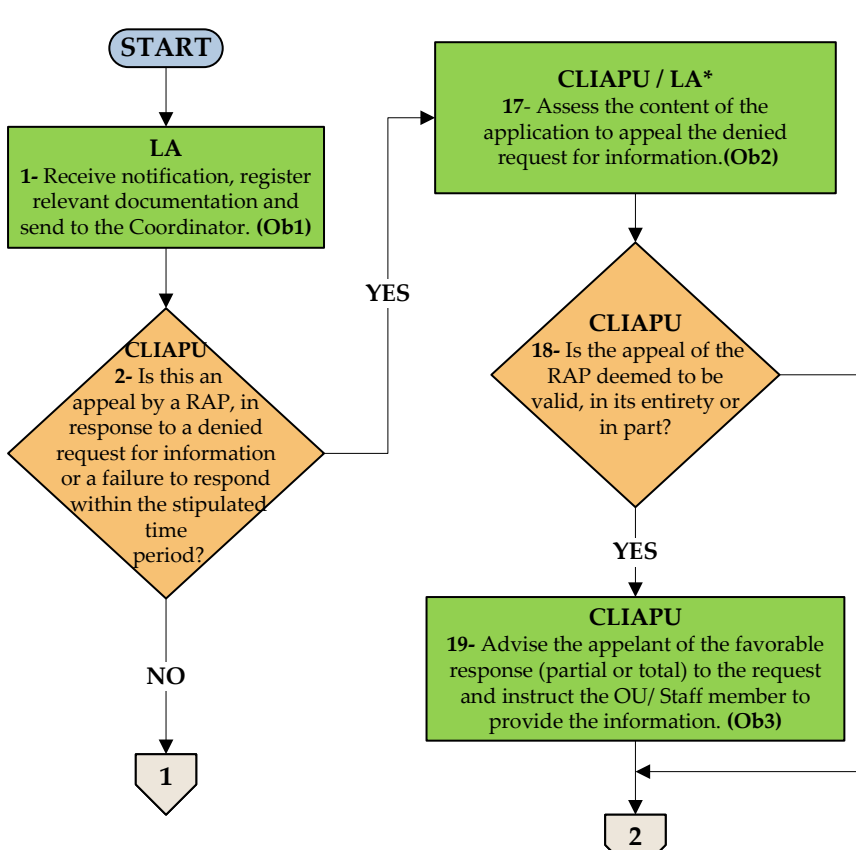
### 5.3 Jurisdiction Attention.

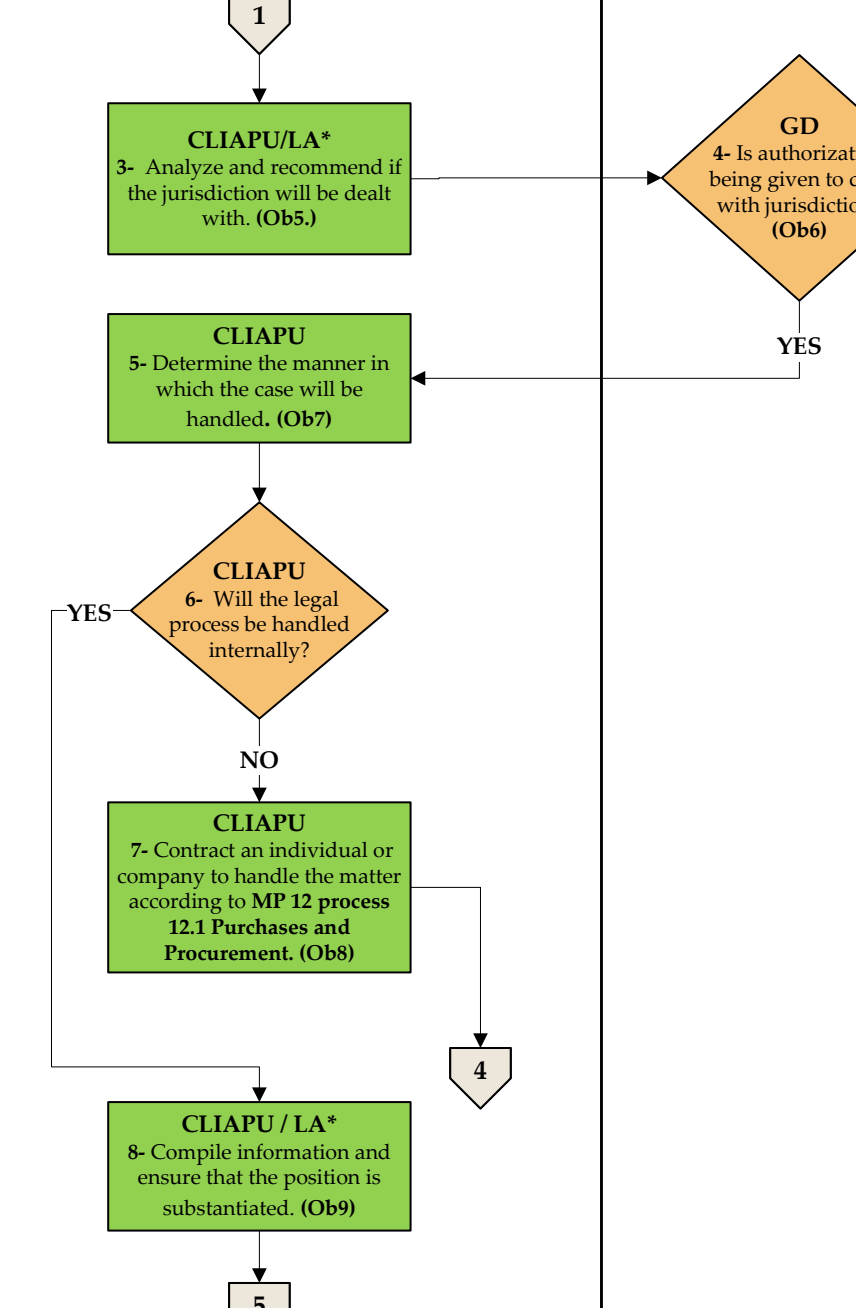
<b>Objective</b>	Guarantee effective judicial representation of the institution in order to defend the interests of the Institute, by safeguarding the judicial exemption of the Institute, as established by international agreement.
<b>Scope</b>	Hemispheric level. Technical-regulatory and operational actions. Centralization at strategic levels and at Headquarters. Coordination at the level of the Delegations. Decentralization at the operational level by country.
<b>Specific policies and rules</b>	<ol style="list-style-type: none"> <li>1. Contract for the establishment of the Inter-American Institute of Agricultural Sciences, Law N° 29 of 22 December 1942.</li> <li>2. Convention on IICA in the Member States.</li> <li>3. Ratification of the Convention on the Inter-American Institute for Cooperation on Agriculture, Law N° 6459 of 11 September 1980. Article 26 stipulates that the Institute shall enjoy, in the territory of each of its Member States, the legal capacity, privileges, and immunities necessary for the exercise of its functions and the accomplishment of its purposes.</li> <li>4. National Regulation relating to the jurisdictions (civil, penal and State).</li> <li>5. Regulations of the Member States relating to the jurisdictions (civil, penal and State).</li> </ol>
<b>Informatic systems</b>	Masterlex-SINALEVI- Database (Excel).
<b>Indicators</b>	Timely attention to the matter in keeping with the timeframes established in the relevant procedural matters.

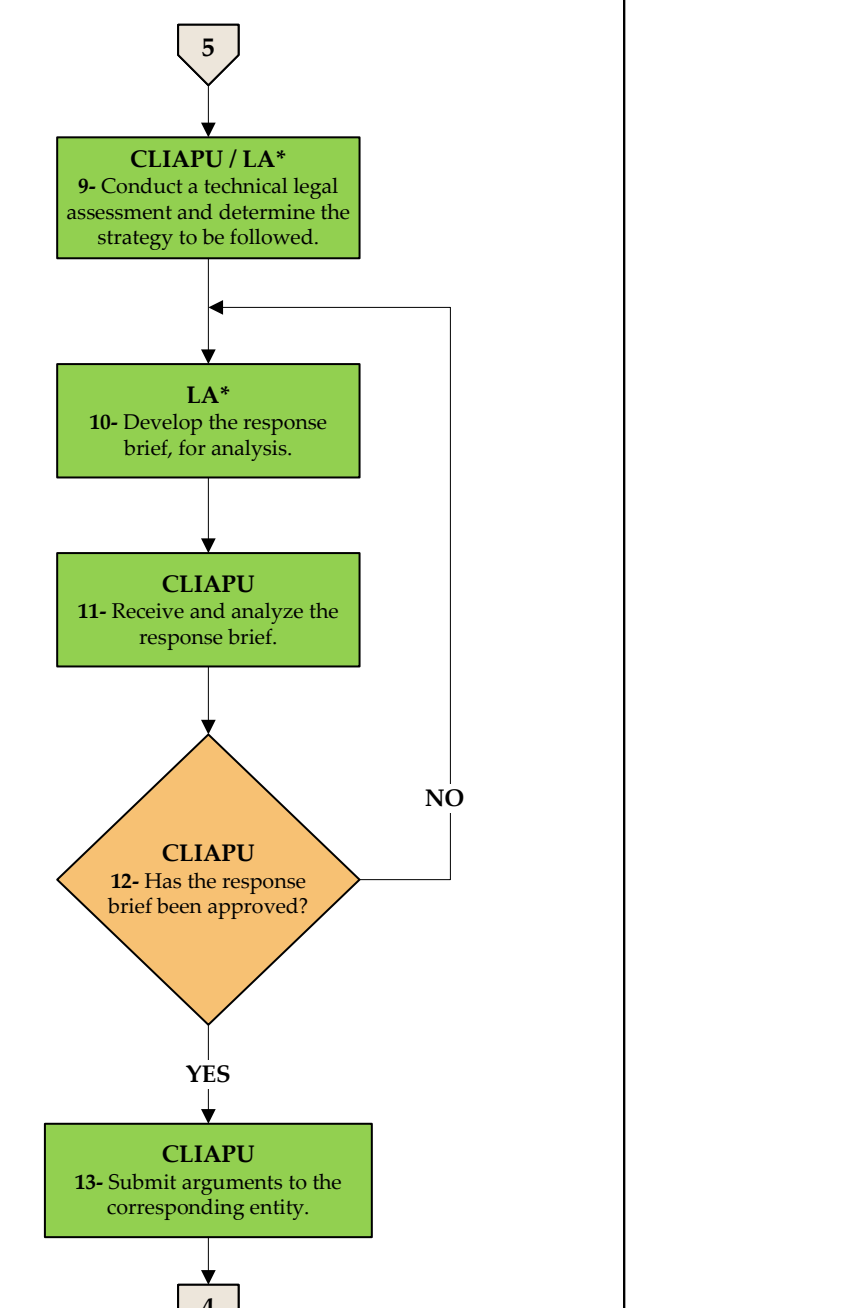
	Inputs	References
<b>Entries</b>	<ul style="list-style-type: none"> <li>• Notification of respective claim in judicial or administrative court.</li> </ul>	<ul style="list-style-type: none"> <li>• Existing Information Disclosure Policy</li> <li>• Convention on IICA in the Member States.</li> <li>• Convention on IICA, Law N° 6459.</li> <li>• Approval of the contract for the establishment of the Inter-American Institute of Agricultural Sciences, Law N° 29 of 22 December 1942.</li> <li>• Convention on Privileges and Immunities of the OAS</li> <li>• Relevant international and local legal framework.</li> </ul>
<b>Products</b>	Judicial processes safeguarding the immunity from judicial immunity of the Institute, enshrined in its international agreement.	

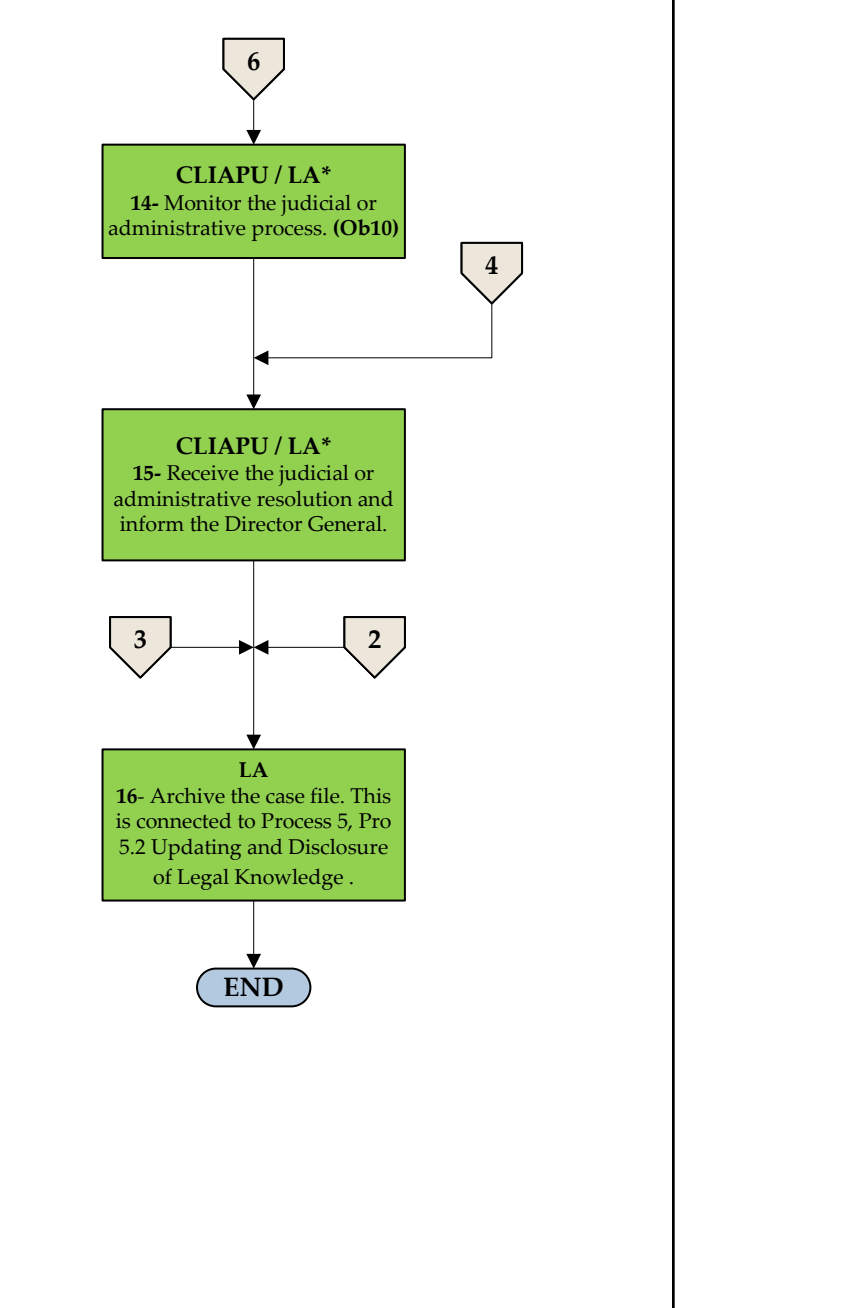


**5.3 Jurisdiction attention**

<b>INVOLVED</b>	Coordinator of the Legal Unit ( CLIAPU ) Legal Advisor* ( LA* ) Legal Asistent ( LA ) General Directorate ( GD ) Organizational Unit ( OU ) Information Requester/ Appellant/ Petitioner ( RAP )		
<b>LEGAL, INTERNATIONAL AFFAIRS AND PROTOCOL UNIT</b>	<b>GENERAL DIRECTORATE</b>	<b>MIXED</b>	<b>COMMENTS</b>
			<p><b>Ob1:</b> This could be a legal or administrative process or an appeal in response to a denied request for information.</p> <p><b>Ob2:</b> The CLIAPU will analyze the legal validity of the request for appeal, not the form. It will do so on the basis of the Institutional Disclosure Policy. The maximum period between receipt of the appeal and communication of the response to the appellant should be no longer than 30 days.</p> <p><b>Ob3:</b> The CLIAPU will instruct the OU or the Staff Member in charge to provide the requested information, consistent with the decision made, within no more than seven days.</p> <p><b>Ob4:</b> The denied request must be duly justified, according to Article IV of IICA's Information Dissemination Policy.</p>

<b>LEGAL, INTERNATIONAL AFFAIRS AND PROTOCOL UNIT</b>	<b>GENERAL DIRECTORATE</b>	<b>MIXED</b>	<b>COMMENTS</b>
			<p><b>Ob5:</b> The Director General and the Deputy Director General are advised of the judicial or administrative process and whether or not the jurisdiction is authorized.</p> <p><b>Ob6:</b> Authorization is denied, given the judicial immunity of the Institute, as established by international agreement. This only applies for labor-related matters.</p> <p><b>Ob7:</b> Determine if the case will be handled internally (using the Institute's resources) or externally (by contracting legal services).</p> <p><b>Ob8:</b> When a professional or responsible company is hired, the CLIAPU accompanies the external supplier throughout the entire process.</p> <p><b>Ob9:</b> It includes the planning of the process, preparation of the institutional defence, selection and induction of witnesses and the collection of documentary evidence.</p>

<b>LEGAL, INTERNATIONAL AFFAIRS AND PROTOCOL UNIT</b>	<b>GENERAL DIRECTORATE</b>	<b>MIXED</b>	<b>COMMENTS</b>
			

<b>LEGAL, INTERNATIONAL AFFAIRS AND PROTOCOL UNIT</b>	<b>GENERAL DIRECTORATE</b>	<b>MIXED</b>	<b>COMMENTS</b>
			<p><b>Ob10:</b> In labor-related matters, this is addressed according to the procedural rules established by the local legislation.</p>

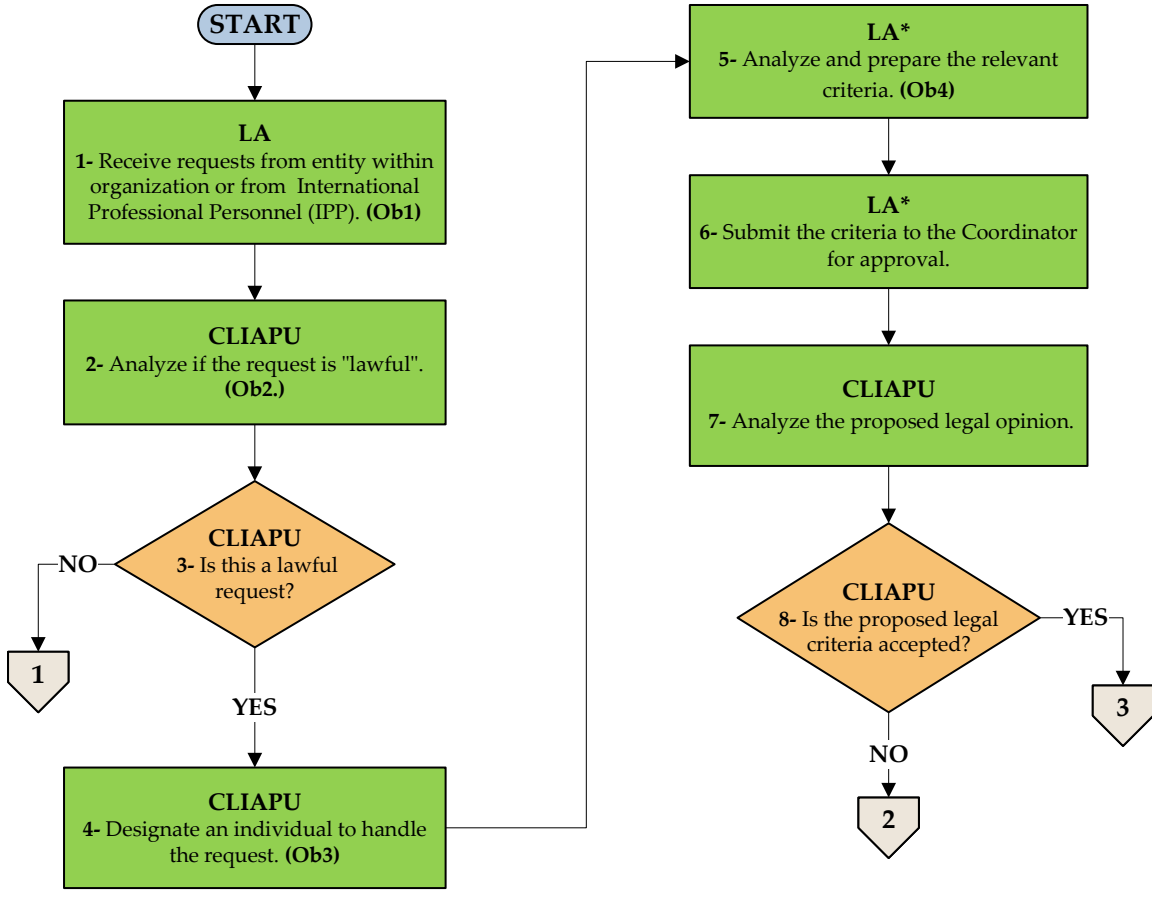
## Process

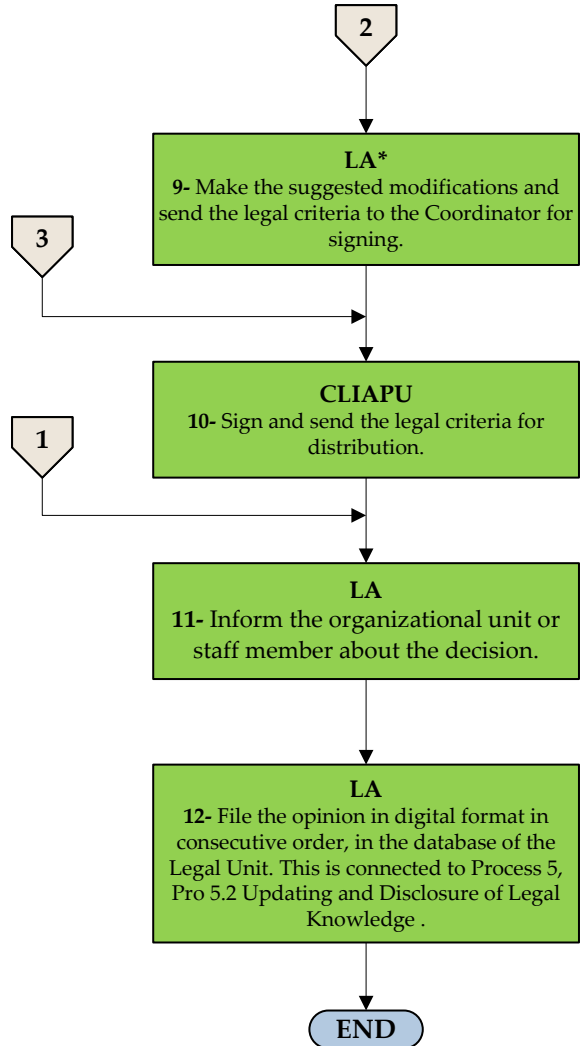
### 5.4 Analysis and Criteria regarding Diplomatic Rights of IICA and its International Professional Personnel.

<b>Objective</b>	Provide timely and efficient legal opinions with regards to the diplomatic rights of IICA and its International Professional Personnel (IPP), to safeguard the immunities and privileges of IICA.
<b>Scope</b>	Hemispheric level. Technical-regulatory actions and execution. Centralization at strategic levels and at Headquarters. Coordination at the level of the Delegations.
<b>Specific policies and rules</b>	1. Contract for the establishment of the Inter-American Institute of Agricultural Sciences, Law N° 29 of 22 December 1942. 2. Convention on IICA in the Member States. 2. Convention on IICA, Law N° 6459. 3. Convention on the Privileges and Immunities of the OAS. 4. International law. 5. Diplomatic regulations covering the International Professional Personnel (IPP) and the Institute. 6. Regulations Governing Diplomatic and Consular Immunity, Decree 15877, of 1984, issued by the Ministry of Foreign and Religious Affairs.
<b>Informatic systems</b>	Masterlex-SINALEVI-Database (Excel).
<b>Indicators</b>	Percentage compliance with the stipulated time periods: <ul style="list-style-type: none"> <li>• 1 working day: rapid consultation.</li> <li>• 3 working days: analysis and legal recommendations that do not require coordination with other units within the organization.</li> <li>• 15 working days: complex issues that require coordination with internal and external organizational units.</li> </ul>

	<b>Inputs</b>	<b>References</b>
<b>Entries</b>	<ul style="list-style-type: none"> <li>• Requests from the IPPs.</li> <li>• Requests from IICA's organizational units.</li> </ul>	<ul style="list-style-type: none"> <li>• Convention on IICA in the Member States.</li> <li>• Contract for the establishment of the Inter-American Institute of Agricultural Sciences, Law N° 29 of 22 December, 1942.</li> <li>• Convention on IICA, Law N° 6459.</li> <li>• Convention on the Privileges and Immunities of the OAS.</li> <li>• International Law.</li> <li>• Diplomatic regulations covering the IPP and the Institute.</li> <li>• Regulations Governing Diplomatic and Consular Immunity, Decree 15877, of 1984, issued by the Ministry of Foreign and Religious Affairs.</li> </ul>
<b>Products</b>	Recommendations and diplomatic criteria to guide actions and decision-making, in keeping with the official protocol procedures of the State.	

**5.4 Analysis and Criteria regarding Diplomatic Rights of IICA and its International Professional Personnel.**

<b>INVOLVED</b>	<p>Coordinator of the Legal Unit ( CLIAPU )1 Legal Advisor* ( LA* ) Legal Assistant ( LA )</p>
<b>LEGAL, INTERNATIONAL AFFAIRS AND PROTOCOL UNIT</b>	<b>COMMENTS</b>
	<p><b>Ob1:</b> It refers to requests about diplomatic rights, with respect to protecting the immunities and privileges of IICA.</p> <p><b>Ob2:</b> "Lawful" refers to a request that is "according to laws or practices" related to the protection of the immunities and privileges of IICA.</p> <p><b>Ob3:</b> The Legal Assistant will ensure that the unit complies with the time periods stipulated in the defined indicators.</p> <p><b>Ob4:</b> Research should be undertaken regarding regulations, jurisprudence and the applicable doctrine related to the matter.</p>

<b>LEGAL, INTERNATIONAL AFFAIRS AND PROTOCOL UNIT</b>	<b>COMMENTS</b>
	

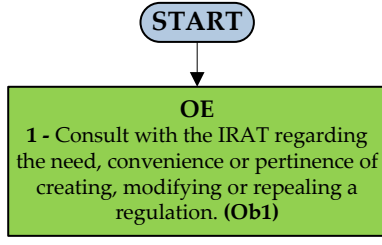
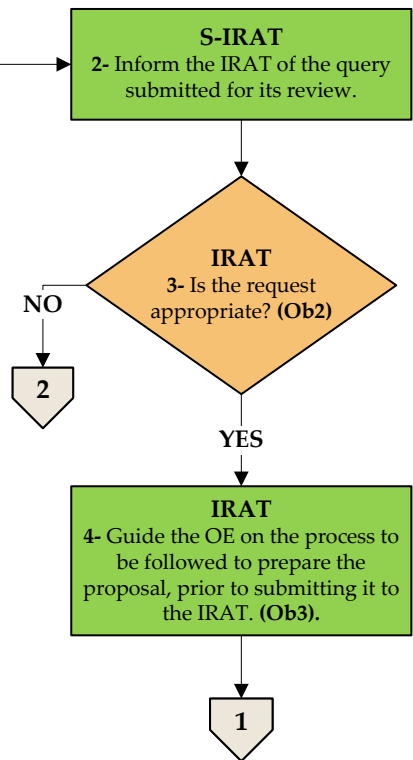
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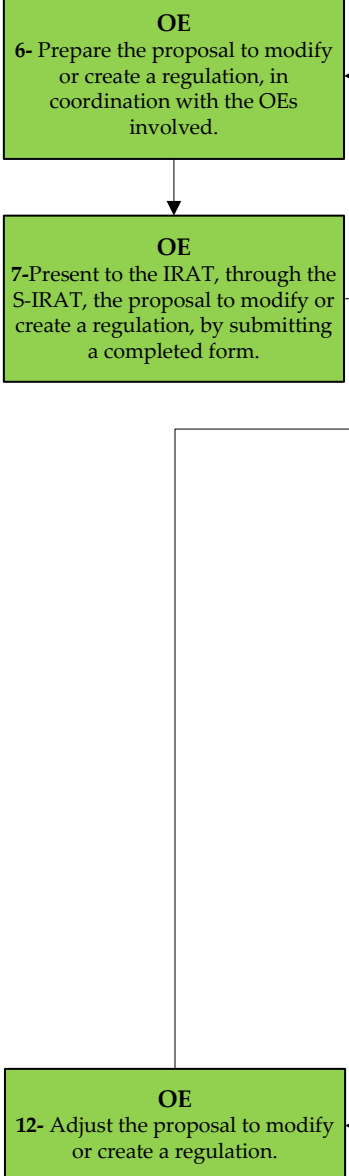
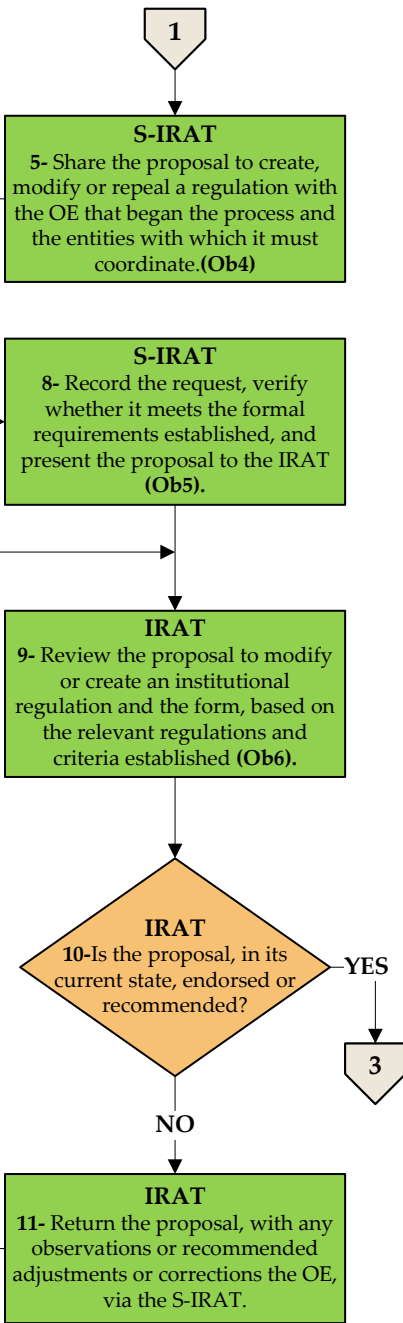
### 5.5 Preparation review and approval of institutional regulations.

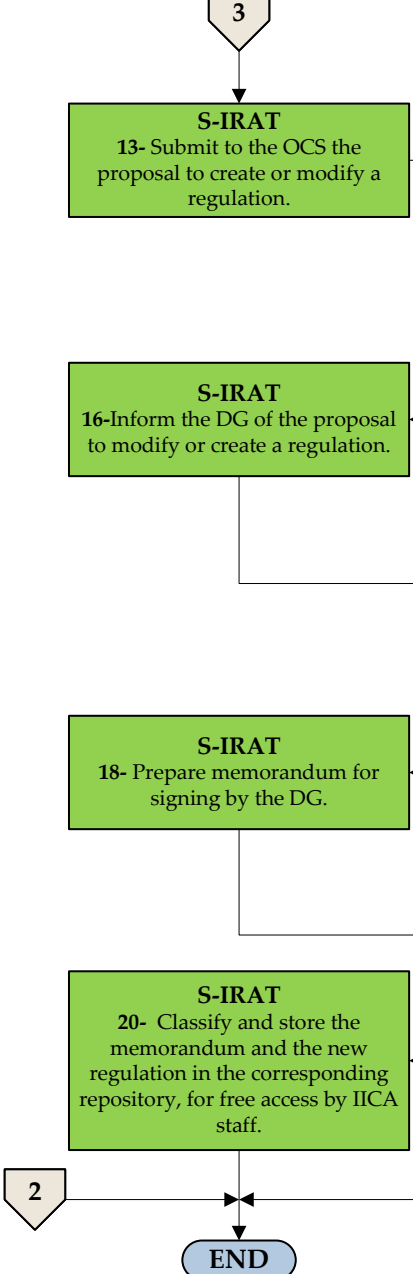
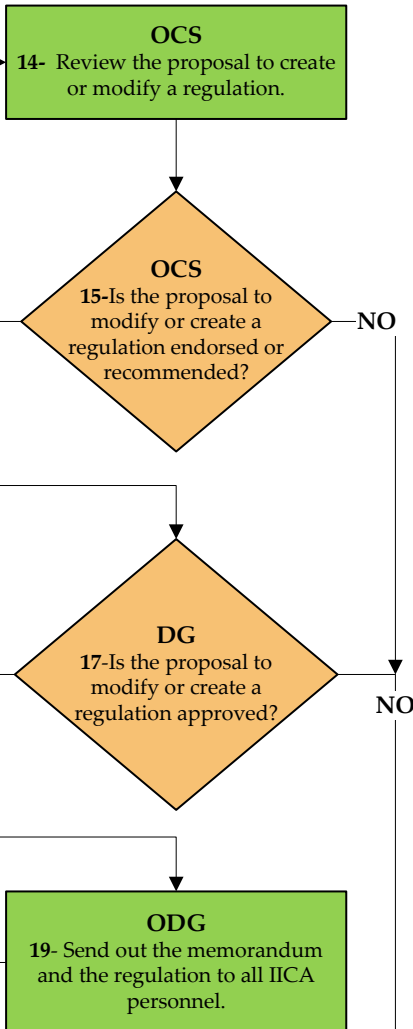
<b>Objective</b>	Ensure that the Institute has a relevant, updated and flexible structure in all areas of administrative, accounting-financial and control management.
<b>Scope</b>	Hemispheric level. Technical-regulatory actions and execution. Centralization at strategic levels and at Headquarters. Coordination at the level of the Delegations.
<b>Specific policies and rules</b>	1. Convention on IICA in the Member States. 2. Institutional legal framework (manuals, policies, guidelines, executive orders, etc.).
<b>Informatic systems</b>	Masterlex-SINALEVI-Database (Excel).
<b>Indicators</b>	Percentage of compliance with deadlines established in the process: <ul style="list-style-type: none"> <li>• 24 hours to convene the IRAT.</li> <li>• 5 days for the IRAT to issue an opinion.</li> <li>• 5 days for final review of the document.</li> </ul>

	Inputs	References
<b>Entries</b>	<ul style="list-style-type: none"> <li>• Request to revise a regulation.</li> <li>• Request to create a regulation.</li> </ul>	<ul style="list-style-type: none"> <li>• Convention on IICA in the Member States.</li> <li>• Contract for the Establishment of the Inter-American Institute of Agricultural Sciences, Law No. 29 of 22 December 1942.</li> <li>• Convention on IICA, Law No. 6459.</li> <li>• International Law.</li> <li>• Local legislation.</li> </ul>
<b>Products</b>	Updated or new regulation to guarantee institutional efficiency and legal certainty.	

**5.5 Preparation review and approval of institutional regulations.**

INVOLVED	Director General (DG) Office of the Chief of Staff or equivalent (OCS) Office of the DG (ODG) Institutional Regulations Advisory Team (IRAT) Secretariat of the Institutional Regulations Advisory Team (S-IRAT)* Organizational Entity (OE)		
ORGANIZATIONAL ENTITY	IRAT	MIXED	COMMENTS
			<p>*The IRAT is comprised of: Deputy Director General (who serves as Chair) and a representative of the OCS, LIAPU, DCS, TC, Delegations and the ODD.</p> <p><b>Ob1:</b> The request is formally submitted via email to: <a href="mailto:unidad.juridica@iica.int">unidad.juridica@iica.int</a></p> <p><b>Ob2:</b> The IRAT shall determine whether the proposal is appropriate: - Does it exist? - Does it contradict higher-level regulations? - Is it aligned with the current MTP, the Business Model adopted and strategic guidelines? - Is it necessary and relevant? - Is it "in accordance with the law or institutional practices"?" If the IRAT considers the proposal to be "Not applicable", it will inform the OE, via the S-IRAT, of the reasoning behind its decision.</p>

ORGANIZATIONAL ENTITY	IRAT	MIXED	COMMENTS
			<p><b>Ob3:</b> The IRAT must provide guidance on at least the following: - Type of regulation proposal, in accordance with the "Legal Order" currently in force. - Necessary content and form of the proposal to create, modify or repeal a regulation. - The OEs with which the OE that began the process must coordinate or consult.</p> <p><b>Ob4:</b> In its communication, the S-IRAT shall include the standardized form to submit the request.</p> <p><b>Ob5:</b> If applicable, the S-IRAT shall return the proposal to the OE for any necessary corrections.</p> <p><b>Ob6:</b> If necessary, the IRAT may request support from other OEs or specialists.</p> <p>The members of the IRAT shall consult with the Directors they represent regarding their opinion of the proposal under review.</p>

ORGANIZATIONAL ENTITY	IRAT	MIXED	COMMENTS
			<p><b>Ob7:</b> The OCS will inform S-IRAT the reasons for its decision regarding adjustments to be made or final rejection, and S-IRAT, will communicate them to the OE.</p>