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Organization of American States [OAS]

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Subject(s):

Regional co-operation

Core Issues

1. The main organs of the Organization of American States (OAS)
2. The procedures under the Charter to become a member or denounce membership of the OAS
3. The dispute settlement procedures envisaged by the Charter
4. Whether the Charter can be amended

This headnote pertains to: Charter of the Organization of American States, a treaty which is the constituent instrument of an international organization. [Jump to full text](#)

Background

The Organization of American States (OAS) is the main international organization of the Inter-American system. The act under review is the constitutive instrument of the OAS. The treaty is of particular interest to the law of international organizations because of its reception and reflection of 'American international law'.

The Organization's roots can be traced back to the International Union of American Republics (IUAR) created at the First International Conference of American States in 1889. The IUAR later became the Pan American Union (PAU), which was the leading international organization in the Americas, and laid down the institutional framework for what is today the OAS. In 1945, with the end of World War II and the creation of the United Nations (UN), the twenty one American states—such as Brazil, United States of America, and Mexico—in the framework of the PAU, started the negotiation process which resulted in the creation of the OAS. In 1948, at the Ninth International Conference of American States in Bogotá, Colombia, the OAS Charter ('Charter') was adopted together with the Pact of Bogotá (American Treaty on Pacific Settlement) and the American Declaration of the Rights and Duties of Man. The Charter entered into force on 12 December 1951. Today thirty five American states are OAS members.

Summary

The OAS and its Charter were created by the American states in order 'to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity and their independence'. [Art 1]

Membership in the OAS is open to independent American states upon ratification of the Charter. [Art 2] According to the Charter, the OAS is a regional agency and none of the rights and obligations deriving from its constitutional treaty should be understood in a way that impairs Member States' compliance with the United Nations Charter. [Art 1]

The Charter recognized in the light of the Montevideo Convention (Convention on the Rights and Duties of States) that '(t)he rights of each State depend not upon its power to ensure the exercise thereof, but upon the mere fact of its existence as a person under international law'. [Art 6] Besides that, the Charter follows the declaratory theory on the coming into being (entstehung) of the state as it puts forward that 'the political existence of the State is independent of recognition by other States'. [Art 9]

The supreme organ of the OAS was to be the Inter-American Conference ('Conference'). [Art 33] Every Member State had the right to one vote at the Conference, which takes place every five years. [Arts 34-35] The main powers of the Conference were to decide on the Organization's general policies and actions, as well as to define its operative structure—for example, the creation of new organs and the attribution of additional competences.

Moreover, the Conference has 'the authority to consider any matter relating to friendly relations among the American States'.[Art 33]

The Conference was to be supported by the Council of the OAS ('Council'), responsible for supervising the work conducted by the organization's administrative organ, the PAU.[Arts 51,78] In addition, the Council was the OAS organ entitled to approve the organization's budget and to 'establish the bases for fixing the quota that each Government is to contribute to the maintenance of the PAU, taking into account the ability to pay of the respective countries and their determination to contribute in an equitable manner'.[Art 54] The Council had three subsidiary organs: The Inter-American Economic and Social Council, the Inter-American Council of Jurists, and the Inter-American Cultural Council.[Art 57] These subsidiary organs were to be composed of representatives of all OAS Member States and endowed with technical autonomy in the performance of their mandates attributed by the Council.[Arts 58-59]

Further, it is important to mention that in the event of situations of an 'urgent nature and of common interest to the American States', a 'Meeting of Consultation of Ministers of Foreign Affairs' could be called.[Art 39] In order for such meetings to be called, a member state had to make a request which then had to be approved by the absolute majority of the Council. [Art 40] The expression 'absolute majority' in the Inter-American context is used alongside the terms 'simple' or 'two-thirds' majority, but not further specified. Alternatively the chairman of the Council was empowered to call a meeting if an armed attack occurred on the territory of an American state.[Arts 43] In order to facilitate the appreciation of questions regarding military affairs, a meeting was able to rely on the consultative Advisory Defense Committee, which was composed of the highest military authorities of Member States.[Art 44-45]

In order to administer its activities, the OAS had a central and permanent organ—the PAU—which was to be led by the Organization's Secretary-General.[Art 78,80] The Secretary-General was to be elected by the Council for a ten year term without possibility for re-election.[Art 79] Among their duties, the Secretary-General had the duty to 'establish, with the approval of the Council, such technical and administrative offices of the Pan American Union as are necessary to accomplish its purposes'.[Art 84]

The Charter did not establish any particular procedure regarding the acquisition of membership. The only requirements set by Charter were that the applicant must be i) an independent state, and ii) localized in the American continent. Moreover, the Charter envisaged that in the case of a union of several Member States leading to the creation of a new political entity—which ratifies the constitutional treaty—the 'old' states would lose their membership to the 'new' state.[Art 3]

The treaty also provided for Member States to denounce their membership by a written notification to the PAU, which is the treaty's depository. In such cases, two years from the day that the PAU received the notice of denunciation, the Charter would cease 'to be in force with respect to the denouncing state'. [Art 112]

In the case of a dispute between OAS Member States, the dispute settlement procedures set by the Charter had to be followed before the dispute could be referred to the UN Security Council. [Art 20] The dispute settlement procedures set by the Charter are: direct negotiations, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and any other peaceful means agreed by the parties. [Art 21] These dispute settlement provisions were further regulated by a special treaty envisaged by the Charter,

which is the American Treaty on Pacific Settlement. [Art 33] Yet, the Charter did not address how disputes arising from its content could be settled.

The conditions for the entry into force of the Charter were once ‘two-thirds of the signatory states have deposited their ratifications’.[Art 109] The remaining signatory States were not to be bound by the Charter until the moment they deposited their instruments of ratification at the PAU. It is important to mention that the treaty neither explicitly allowed nor prohibited states from making reservations.

The Charter could be amended only by the Conference, when specifically convened for this purpose upon the condition of the approval by a two-thirds majority of the Member States. [Arts 36,111] Amendments to the Charter were only binding upon states which ratified them, following the same procedure as the entering into force of the Charter. [Art 109] Unlike in other international organizations, this provision means that the amendments are not applicable *erga omnes*. In other words, the amendments would only apply to those states which ratified the amendment but would not affect states which had signed, but not ratified, the amendments. Consequently, different versions of the Charter might be applicable to individual Member States.

Analysis

An attentive reading of the Charter reveals the integration of euro-centric models of international organizations with the American international legal tradition—which, since the nineteenth century, has aimed at subjecting the relations among the states in the continent to the rule of law. An example of this is Chapter III of the Charter entitled ‘Fundamental rights and duties of States’. The provisions under this chapter are clearly drawn from the corpus of the American international legal practice, in particular the Montevideo Convention which has been largely used by states and international legal practitioners across the globe—for example, the Badinter Commission.

As a further indication of the influence of the pre-existing international regional system in Americas—especially the ‘long-standing tradition of Latin American international legal thinking, which has always been particularly attentive and devoted to general principles of law, in the contexts of both formal “sources” of international law as well as codification of international law’ (*Pulp Mills on the River Uruguay*, Judgment (Separate opinion of Judge Cançado Trindade)—the Charter has adopted a principle-orientated approach. [Arts 4-5] Such an approach—besides being in line with the Americas’ legal tradition—is fundamental to the operationalization of the Charter, as the Organization consists of Member States with strongly differing realities, legal traditions, and perspectives on the international system.

Impact

The Charter was adopted in 1948 and has been profoundly changed by four Protocols of Amendment: the Protocol of Buenos Aires (1967), Protocol of Cartagena de Indias (1985), Protocol of Washington (1992), and the Protocol of Managua (1993). Therefore, the OAS organizational structure set out in the 1948 version of the Charter (presented in this headnote) does not reflect the current state of affairs, as provisions regarding its organs, membership, and powers have been changed by these Protocols of Amendment. Nevertheless, the basic idea and structure of the organization today find their origin in the 1948 version of the Charter, thus it is still of significance for understanding the functioning of the OAS, as well as for the law of international organizations.

Further Analysis and Relevant Materials

Leading Comments

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American Treaty on Pacific Settlement (Pact of Bogotá) (signed 30 April 1948, entered into force 6 May 1949) 30 UNTS 55

Convention on Rights and Duties of States (signed 26 December 1933, entered into force 26 December 1933) 165 LNTS 19

American Declaration of the Rights and Duties of Man (adopted 2 May 1948) OAS Res XXX (1948)

Related Materials

Organization of American States

American Convention on Human Rights (signed 22 November 1969, entered into force 18 July 1978) 1144 UNTS 123

Inter-American Treaty of Reciprocal Assistance (signed 2 September 1947, entered into force 3 December 1948) 21 UNTS 77

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¹IN THE NAME OF THEIR PEOPLES, THE STATES REPRESENTED AT THE NINTH INTERNATIONAL CONFERENCE OF AMERICAN STATES,

Convinced that the historic mission of America is to offer to man a land of liberty, and a favorable environment for the development of his personality and the realization of his just aspirations ;

Conscious that that mission has already inspired numerous agreements, whose essential value lies in the desire of the American peoples to live together in peace, and, through their mutual understanding and respect for the sovereignty of each one, to provide for the betterment of all, in independence, in equality and under law ;

Confident that the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man ;

Persuaded that their welfare and their contribution to the progress and the civilization of the world will increasingly require intensive continental cooperation ;

Resolved to persevere in the noble undertaking that humanity has conferred upon the United Nations, whose principles and purposes they solemnly reaffirm ;

Convinced that juridical organization is a necessary condition for security and peace founded on moral order and on justice; and

In accordance with Resolution IX of the Inter-American Conference on Problems of War and Peace, held at Mexico City,

Have agreed upon the following Charter of the Organization Of American States

Part One Nature and purposes

Chapter I Nature and purposes

Article 1

The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity and their independence. Within the United Nations, the Organization of American States is a regional agency.

Article 2

All American States that ratify the present Charter are Members of the Organization.

Article 3

Any new political entity that arises from the union of several Member States and that, as such, ratifies the present Charter, shall become a Member of the Organization. The entry of the new political entity into the Organization shall result in the loss of membership of each one of the States which constitute it.

Article 4

The Organization of American States, in order to put into practice the principles on which it is founded and to fulfill its regional obligations under the Charter of the United Nations, proclaims the following essential purposes :

- a) To strengthen the peace and security of the continent;
- b) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States ;
- c) To provide for common action on the part of those States in the event of aggression ;
- d) To seek the solution of political, juridical and economic problems that may arise among them; and
- e) To promote, by cooperative action, their economic, social and cultural development.

Chapter II Principles

Article 5

The American States reaffirm the following principles:

- a) International law is the standard of conduct of States in their reciprocal relations ;
- b) International order consists essentially of respect for the personality, sovereignty and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law ;
- c) Good faith shall govern the relations between States ;
- d) The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy ;

- c) The American States condemn war of aggression : victory does not give rights ;
- f) An act of aggression against one American State is an act of aggression against all the other American States ;
- g) Controversies of an international character arising between two or more American States shall be settled by peaceful procedures ;
- h) Social justice and social security are bases of lasting peace ;
- i) Economic cooperation is essential to the common welfare and prosperity of the peoples of the continent ;
- j) The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed or sex ;
- k) The spiritual unity of the continent is based on respect for the cultural values of the American countries and requires their close cooperation for the high purposes of civilization ;
- l) The education of peoples should be directed toward justice, freedom and peace.

Chapter III Fundamental rights and duties of States

Article 6

States are juridically equal, enjoy equal rights and equal capacity to exercise these rights, and have equal duties. The rights of each State depend not upon its power to ensure the exercise thereof, but upon the mere fact of its existence as a person under international law.

Article 7

Every American State has the duty to respect the rights enjoyed by every other State in accordance with international law.

Article 8

The fundamental rights of States may not be impaired in any manner whatsoever.

Article 9

The political existence of the State is independent of recognition by other States. Even before being recognized, the State has the right to defend its integrity and independence, to provide for its preservation and prosperity, and consequently to organize itself as it sees fit, to legislate concerning its interests, to administer its services, and to determine the jurisdiction and competence of its courts. The exercise of these rights is limited only by the exercise of the rights of other States in accordance with international law.

Article 10

Recognition implies that the State granting it accepts the personality of the new State, with all the rights and duties that international law prescribes for the two States.

Article 11

The right of each State to protect itself and to live its own life does not authorize it to commit unjust acts against another State.

Article 12

The jurisdiction of States within the limits of their national territory is exercised equally over all the inhabitants, whether nationals or aliens.

Article 13

Each State has the right to develop its cultural, political and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality.

Article 14

Respect for and the faithful observance of treaties constitute standards for the development of peaceful relations among States. International treaties and agreements should be public.

Article 15

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements.

Article 16

No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.

Article 17

The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

Article 18

The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfillment thereof.

Article 19

Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles set forth in Articles 15 and 17.

Chapter IV *Pacific settlement of disputes***Article 20**

All international disputes that may arise between American States shall be submitted to the peaceful procedures set forth in this Charter, before being referred to the Security Council of the United Nations.

Article 21

The following are peaceful procedures : direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and those which the parties to the dispute may especially agree upon at any time.

Article 22

In the event that a dispute arises between two or more American States which, in the opinion of one of them, cannot be settled through the usual diplomatic channels, the Parties shall agree on some other peaceful procedure that will enable them to reach a solution.

Article 23

A special treaty will establish adequate procedures for the pacific settlement of disputes and will determine the appropriate means for their application, so that no dispute between American States shall fail of definitive settlement within a reasonable period.

Chapter V Collective security

Article 24

Every act of aggression by a State against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American State shall be considered an act of aggression against the other American States.

Article 25

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an armed attack or by an act of aggression that is not an armed attack, or by an extra-continental conflict, or by a conflict between two or more American States, or by any other fact or situation that might endanger the peace of America, the American States, in furtherance of the principles of continental solidarity or collective self-defense, shall apply the measures and procedures established in the special treaties on the subject.

Chapter VI Economic standards

Article 26

The Member States agree to cooperate with one another, as far as their resources may permit and their laws may provide, in the broadest spirit of good neighborliness, in order to strengthen their economic structure, develop their agriculture and mining, promote their industry and increase their trade.

Article 27

If the economy of an American State is affected by serious conditions that cannot be satisfactorily remedied by its own unaided effort, such State may place its economic problems before the Inter-American Economic and Social Council to seek through consultation the most appropriate solution for such problems.

Chapter VII Social standards

Article 28

The Member States agree to cooperate with one another to achieve just and decent living conditions for their entire populations.

Article 29

The Member States agree upon the desirability of developing their social legislation on the following bases:

- a) All human beings, without distinction as to race, nationality, sex, creed or social condition, have the right to attain material well-being and spiritual growth under circumstances of liberty, dignity, equality of opportunity, and economic security ;

b) Work is a right and a social duty; it shall not be considered as an article of commerce; it demands respect for freedom of association and for the dignity of the worker; and it is to be performed under conditions that ensure life, health and a decent standard of living, both during the working years and during old age, or when any circumstance deprives the individual of the possibility of working.

Chapter VIII Cultural standards

Article 30

The Member States agree to promote, in accordance with their constitutional provisions and their material resources, the exercise of the right to education, on the following bases :

- a) Elementary education shall be compulsory and, when provided by the State, shall be without cost ;
- b) Higher education shall be available to all, without distinction as to race, nationality, sex, language, creed or social condition.

Article 31

With due consideration for the national character of each State, the Member States undertake to facilitate free cultural interchange by every medium of expression.

Part Two

Chapter IX The Organs

Article 32

The Organization of American States accomplishes its purposes by means of

- a) The Inter-American Conference ;
- b) The Meeting of Consultation of Ministers of Foreign Affairs ;
- c) The Council ;
- d) The Pan American Union ;
- e) The Specialized Conferences; and
- f) The Specialized Organizations.

Chapter X The Inter-American Conference

Article 33

The Inter-American Conference is the supreme organ of the Organization of American States. It decides the general action and policy of the Organization and determines the structure and functions of its Organs, and has the authority to consider any matter relating to friendly relations among the American States. These functions shall be carried out in accordance with the provisions of this Charter and of other inter-American treaties.

Article 34

All Member States have the right to be represented at the Inter-American Conference. Each State has the right to one vote.

Article 35

The Conference shall convene every five years at the time fixed by the Council of the Organization, after consultation with the government of the country where the Conference is to be held.

Article 36

In special circumstances and with the approval of two-thirds of the American Governments, a special Inter-American Conference may be held, or the date of the next regular Conference may be changed.

Article 37

Each Inter-American Conference shall designate the place of meeting of the next Conference. If for any unforeseen reason the Conference cannot be held at the place designated, the Council of the Organization shall designate a new place.

Article 38

The program and regulations of the Inter-American Conference shall be prepared by the Council of the Organization and submitted to the Member States for consideration.

Chapter XI The Meeting of Consultation of Ministers of Foreign Affairs

Article 39

The Meeting of Consultation of Ministers of Foreign Affairs shall be held in order to consider problems of an urgent nature and of common interest to the American States, and to serve as the Organ of Consultation.

Article 40

Any Member State may request that a Meeting of Consultation be called. The request shall be addressed to the Council of the Organization, which shall decide by an absolute majority whether a meeting should be held.

Article 41

The program and regulations of the Meeting of Consultation shall be prepared by the Council of the Organization and submitted to the Member States for consideration.

Article 42

If, for exceptional reasons, a Minister of Foreign Affairs is unable to attend the meeting, he shall be represented by a special delegate.

Article 43

In case of an armed attack within the territory of an American State or within the region of security delimited by treaties in force, a Meeting of Consultation shall be held without delay. Such Meeting shall be called immediately by the Chairman of the Council of the Organization, who shall at the same time call a meeting of the Council itself.

Article 44

An Advisory Defense Committee shall be established to advise the Organ of Consultation on problems of military cooperation that may arise in connection with the application of existing special treaties on collective security.

Article 45

The Advisory Defense Committee shall be composed of the highest military authorities of the American States participating in the Meeting of Consultation. Under exceptional circumstances the Governments may appoint substitutes. Each State shall be entitled to one vote.

Article 46

The Advisory Defense Committee shall be convoked under the same conditions as the Organ of Consultation, when the latter deals with matters relating to defense against aggression.

Article 47

The Committee shall also meet when the Conference or the Meeting of Consultation or the Governments, by a two-thirds majority of the Member States, assign to it technical studies or reports on specific subjects.

Chapter XII The Council**Article 48**

The Council of the Organization of American States is composed of one Representative of each Member State of the Organization, especially appointed by the respective Government, with the rank of Ambassador. The appointment may be given to the diplomatic representative accredited to the Government of the country in which the Council has its seat. During the absence of the titular Representative, the Government may appoint an interim Representative.

Article 49

The Council shall elect a Chairman and a Vice Chairman, who shall serve for one year and shall not be eligible for election to either of those positions for the term immediately following.

Article 50

The Council takes cognizance, within the limits of the present Charter and of inter-American treaties and agreements, of any matter referred to it by the Inter-American Conference or the Meeting of Consultation of Ministers of Foreign Affairs.

Article 51

The Council shall be responsible for the proper discharge by the Pan-American Union of the duties assigned to it.

Article 52

The Council shall serve provisionally as the Organ of Consultation when the circumstances contemplated in Article 43 of this Charter arise.

Article 53

It is also the duty of the Council :

- a) To draft and submit to the Governments and to the Inter-American Conference proposals for the creation of new Specialized Organizations or for the combination, adaptation or elimination of existing ones, including matters relating to the financing and support thereof ;

- b) To draft recommendations to the Governments, the Inter-American Conference, the Specialized Conferences or the Specialized Organizations, for the coordination of the activities and programs of such organizations, after consultation with them ;
- c) To conclude agreements with the Inter-American Specialized Organizations to determine the relations that shall exist between the respective agency and the Organization ;
- d) To conclude agreements or special arrangements for cooperation with other American organizations of recognized international standing ;
- e) To promote and facilitate collaboration between the Organization of American States and the United Nations, as well as between Inter-American Specialized Organizations and similar international agencies ;
- f) To adopt resolutions that will enable the Secretary General to perform the duties envisaged in Article 84;
- g) To perform the other duties assigned to it by the present Charter.

Article 54

The Council shall establish the bases for fixing the quota that each Government is to contribute to the maintenance of the Pan American Union, taking into account the ability to pay of the respective countries and their determination to contribute in an equitable manner. The budget, after approval by the Council, shall be transmitted to the Governments at least six months before the first day of the fiscal year, with a statement of the annual quota of each country. Decisions on budgetary matters require the approval of two-thirds of the members of the Council.

Article 55

The Council shall formulate its own regulations.

Article 56

The Council shall function at the seat of the Pan American Union.

Article 57

The following are organs of the Council of the Organization of American States :

- a) The Inter-American Economic and Social Council ;
- b) The Inter-American Council of Jurists; and
- c) The Inter-American Cultural Council.

Article 58

The organs referred to in the preceding article shall have technical autonomy within the limits of this Charter; but their decisions shall not encroach upon the sphere of action of the Council of the Organization.

Article 59

The organs of the Council of the Organization are composed of representatives of all the Member States of the Organization.

Article 60

The organs of the Council of the Organization shall, as far as possible, render to the Governments such technical services as the latter may request; and they shall advise the Council of the Organization on matters within their jurisdiction.

Article 61

The organs of the Council of the Organization shall, in agreement with the Council, establish cooperative relations with the corresponding organs of the United Nations and with the national or international agencies that function within their respective spheres of action.

Article 62

The Council of the Organization, with the advice of the appropriate bodies and after consultation with the Governments, shall formulate the statutes of its organs in accordance with and in the execution of the provisions of this Charter. The organs shall formulate their own regulations.

A) The Inter-American Economic and Social Council**Article 63**

The Inter-American Economic and Social Council has for its principal purpose the promotion of the economic and social welfare of the American nations through effective cooperation for the better utilization of their natural resources, the development of their agriculture and industry and the raising of the standards of living of their peoples.

Article 64

To accomplish this purpose the Council shall :

- a) Propose the means by which the American nations may give each other technical assistance in making studies and formulating and executing plans to carry out the purposes referred to in Article 26 and to develop and improve their social services ;
- b) Act as coordinating agency for all official inter-American activities of an economic and social nature ;
- c) Undertake studies on its own initiative or at the request of any Member State ;
- d) Assemble and prepare reports on economic and social matters for the use of the Member States ;
- e) Suggest to the Council of the Organization the advisability of holding special ized conferences on economic and social matters ;
- f) Carry on such other activities as may be assigned to it by the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization.

Article 65

The Inter-American Economic and Social Council, composed of technical delegates appointed by each Member State, shall meet on its own initiative or on that of the Council of the Organization.

Article 66

The Inter-American Economic and Social Council shall function at the seat of the Pan American Union, but it may hold meetings in any American city by a majority decision of the Member States.

B) The Inter-American Council of Jurists**Article 67**

The purpose of the Inter-American Council of Jurists is to serve as an advisory body on juridical matters; to promote the development and codification of public and private international law; and to study the possibility of attaining uniformity in the legislation of the various American countries, insofar as it may appear desirable.

Article 68

The Inter-American Juridical Committee of Rio de Janeiro shall be the permanent committee of the Inter-American Council of Jurists.

Article 69

The Juridical Committee shall be composed of jurists of the nine countries selected by the Inter-American Conference. The selection of the jurists shall be made by the Inter-American Council of Jurists from a panel submitted by each country chosen by the Conference. The Members of the Juridical Committee represent all Member States of the Organization. The Council of the Organization is empowered to fill any vacancies that occur during the intervals between Inter-American Conferences and between meetings of the Inter-American Council of Jurists.

Article 70

The Juridical Committee shall undertake such studies and preparatory work as are assigned to it by the Inter-American Council of Jurists, the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization. It may also undertake those studies and projects which, on its own initiative, it considers advisable.

Article 71

The Inter-American Council of Jurists and the Juridical Committee should seek the cooperation of national committees for the codification of international law, of institutes of international and comparative law, and of other specialized agencies.

Article 72

The Inter-American Council of Jurists shall meet when convened by the Council of the Organization, at the place determined by the Council of Jurists at its previous meeting.

C) The Inter-American Cultural Council**Article 73**

The purpose of the Inter-American Cultural Council is to promote friendly relations and mutual understanding among the American peoples, in order to strengthen the peaceful sentiments that have characterized the evolution of America, through the promotion of educational, scientific and cultural exchange.

Article 74

To this end the principal functions of the Council shall be :

- a) To sponsor inter-American cultural activities ;
- b) To collect and supply information on cultural activities carried on in and among the American States by private and official agencies both national and international in character ;
- c) To promote the adoption of basic educational programs adapted to the needs of all population groups in the American countries ;
- d) To promote, in addition, the adoption of special programs of training, education and culture for the indigenous groups of the American countries ;
- e) To cooperate in the protection, preservation and increase of the cultural heritage of the continent ;
- f) To promote cooperation among the American nations in the fields of education, science and culture, by means of the exchange of materials for research and study, as well as the exchange of teachers, students, specialists and, in general, such other persons and materials as are useful for the realization of these ends ;
- g) To encourage the education of the peoples for harmonious international relations ;
- h) To carry on such other activities as may be assigned to it by the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization.

Article 75

The Inter-American Cultural Council shall determine the place of its next meeting and shall be convened by the Council of the Organization on the date chosen by the latter in agreement with the Government of the country selected as the seat of the meeting.

Article 76

There shall be a Committee for Cultural Action of which five States, chosen at each Inter-American Conference, shall be members. The individuals composing the Committee for Cultural Action shall be selected by the Inter-American Cultural Council from a panel submitted by each country chosen by the Conference, and they shall be specialists in education or cultural matters. When the Inter-American Cultural Council and the Inter-American Conference are not in session, the Council of the Organization may fill vacancies that arise and replace those countries that find it necessary to discontinue their cooperation.

Article 77

The Committee for Cultural Action shall function as the permanent committee of the Inter-American Cultural Council, for the purpose of preparing any studies that the latter may assign to it. With respect to these studies the Council shall have the final decision.

Chapter XIII The Pan American Union

Article 78

The Pan American Union is the central and permanent organ of the Organization of American States and the General Secretariat of the Organization. It shall perform the duties assigned to it in this Charter and such other duties as may be assigned to it in other inter-American treaties and agreements.

Article 79

There shall be a Secretary General of the Organization, who shall be elected by the Council for a ten-year term and who may not be reelected or be succeeded by a person of the same nationality. In the event of a vacancy in the office of Secretary General, the Council shall, within the next ninety days, elect a successor to fill the office for the remainder of the term, who may be reelected if the vacancy occurs during the second half of the term.

Article 80

The Secretary General shall direct the Pan American Union and be the legal representative thereof.

Article 81

The Secretary General shall participate with voice, but without vote, in the deliberations of the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, the Specialized Conferences, and the Council and its organs.

Article 82

The Pan American Union, through its technical and information offices, shall, under the direction of the Council, promote economic, social, juridical and cultural relations among all the Member States of the Organization.

Article 83

The Pan American Union shall also perform the following functions :

- a) Transmit *ex officio* to Member States the convocation to the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, and the Specialized Conferences ;
- b) Advise the Council and its organs in the preparation of programs and regulations of the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, and the Specialized Conferences ;
- c) Place, to the extent of its ability, at the disposal of the Government of the country where a conference is to be held, the technical aid and personnel which such Government may request ;
- d) Serve as custodian of the documents and archives of the Inter-American Conference, of the Meeting of Consultation of Ministers of Foreign Affairs, and, insofar as possible, of the Specialized Conferences ;
- e) Serve as depository of the instruments of ratification of inter-American agreements ;
- f) Perform the functions entrusted to it by the Inter-American Conference, and the Meeting of Consultation of Ministers of Foreign Affairs ;
- g) Submit to the Council an annual report on the activities of the Organization ;

h) Submit to the Inter-American Conference a report on the work accomplished by the Organs of the Organization since the previous Conference.

Article 84

It is the duty of the Secretary General :

- a) To establish, with the approval of the Council, such technical and administrative offices of the Pan American Union as are necessary to accomplish its purposes ;
- b) To determine the number of department heads, officers and employees of the Pan American Union; to appoint them, regulate their powers and duties, and fix their compensation, in accordance with general standards established by the Council.

Article 85

There shall be an Assistant Secretary General, elected by the Council for a term of ten years and eligible for reelection. In the event of a vacancy in the office of Assistant Secretary General, the Council shall, within the next ninety days, elect a successor to fill such office for the remainder of the term.

Article 86

The Assistant Secretary General shall be the Secretary of the Council. He shall perform the duties of the Secretary General during the temporary absence or disability of the latter, or during the ninety-day vacancy referred to in Article 79. He shall also serve as advisory officer to the Secretary General, with the power to act as his delegate in all matters that the Secretary General may entrust to him.

Article 87

The Council, by a two-thirds vote of its members, may remove the Secretary General or the Assistant Secretary General whenever the proper functioning of the Organization so demands.

Article 88

The heads of the respective departments of the Pan American Union, appointed by the Secretary General, shall be the Executive Secretaries of the Inter-American Economic and Social Council, the Council of Jurists and the Cultural Council.

Article 89

In the performance of their duties the personnel shall not seek or receive instructions from any government or from any other authority outside the Pan American Union. They shall refrain from any action that might reflect upon their position as international officials responsible only to the Union.

Article 90

Every Member of the Organization of American States pledges itself to respect the exclusively international character of the responsibilities of the Secretary General and the personnel, and not to seek to influence them in the discharge of their duties.

Article 91

In selecting its personnel the Pan American Union shall give first consideration to efficiency, competence and integrity; but at the same time importance shall be given to the necessity of recruiting personnel on as broad a geographical basis as possible.

Article 92

The seat of the Pan American Union is the city of Washington.

Chapter XIV The Specialized Conferences**Article 93**

The Specialized Conferences shall meet to deal with special technical matters or to develop specific aspects of inter-American cooperation, when it is so decided by the Inter-American Conference or the Meeting of Consultation of Ministers of Foreign Affairs; when inter-American agreements so provide; or when the Council of the Organization considers it necessary, either on its own initiative or at the request of one of its organs or of one of the Specialized Organizations.

Article 94

The program and regulations of the Specialized Conferences shall be prepared by the organs of the Council of the Organization or by the Specialized Organizations concerned; they shall be submitted to the Member Governments for consideration and transmitted to the Council for its information.

Chapter XV The Specialized Organization!;**Article 95**

For the purposes of the present Charter, Inter-American Specialized Organizations are the intergovernmental organizations established by multilateral agreements and having specific functions with respect to technical matters of common interest to the American States.

Article 96

The Council shall, for the purposes stated in Article 53, maintain a register of the Organizations that fulfill the conditions set forth in the foregoing Article.

Article 97

The Specialized Organizations shall enjoy the fullest technical autonomy and shall take into account the recommendations of the Council, in conformity with the provisions of the present Charter.

Article 98

The Specialized Organizations shall submit to the Council periodic reports on the progress of their work and on their annual budgets and expenses.

Article 99

Agreements between the Council and the Specialized Organizations contemplated in paragraph c) of Article 53 may provide that such Organizations transmit their budgets to the Council for approval. Arrangements may also be made for the Pan American Union to receive the quotas of the contributing countries and distribute them in accordance with the said agreements.

Article 100

The Specialized Organizations shall establish cooperative relations with world agencies of the same character in order to coordinate their activities. In concluding agreements with international agencies of a world-wide character, the Inter-American Specialized Organizations shall preserve their identity and their status as integral parts of the Organization of American States, even when they perform regional functions of international agencies.

Article 101

In determining the geographic location of the Specialized Organizations the interests of all the American States shall be taken into account.

Part Three

Chapter XVI The United Nations

Article 102

None of the provisions of this Charter shall be construed as impairing the rights and obligations of the Member States under the Charter of the United Nations.

Chapter XVII Miscellaneous provisions

Article 103

The Organization of American States shall enjoy in the territory of each Member such legal capacity, privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes.

Article 104

The Representatives of the Governments on the Council of the Organization, the representatives on the organs of the Council, the personnel of their delegations, as well as the Secretary General and the Assistant Secretary General of the Organization, shall enjoy the privileges and immunities necessary for the independent performance of their duties.

Article 105

The juridical status of the Inter-American Specialized Organizations and the privileges and immunities that should be granted to them and to their personnel, as well as to the officials of the Pan American Union, shall be determined in each case through agreements between the respective organizations and the Governments concerned.

Article 106

Correspondence of the Organization of American States, including printed matter and parcels, bearing the frank thereof, shall be carried free of charge in the mails of the Member States.

Article 107

The Organization of American States does not recognize any restriction on the eligibility of men and women to participate in the activities of the various Organs and to hold positions therein.

Chapter XVIII Ratification and entry into force

Article 108

The present Charter shall remain open for signature by the American States and shall be ratified in accordance with their respective constitutional procedures. The original instrument, the Spanish, English, Portuguese and French texts of which are equally authentic, shall be deposited with the Pan American Union, which shall transmit certified copies thereof to the Governments for purposes of ratification. The instruments of ratification shall be deposited with the Pan American Union, which shall notify the signatory States of such deposit.

Article 109

The present Charter shall enter into force among the ratifying States when two-thirds of the signatory States have deposited their ratifications. It shall enter into force with respect to the remaining States in the order in which they deposit their ratifications.

Article 110

The present Charter shall be registered with the Secretariat of the United Nations through the Pan American Union.

Article 111

Amendments to the present Charter may be adopted only at an Inter-American Conference convened for that purpose. Amendments shall enter into force in accordance with the terms and the procedure set forth in Article 109.

Article 112

The present Charter shall remain in force indefinitely, but may be denounced by any Member State upon written notification to the Pan American Union, which shall communicate to all the others each notice of denunciation received. After two years from the date on which the Pan American Union receives a notice of denunciation, the present Charter shall cease to be in force with respect to the denouncing State, which shall cease to belong to the Organization after it has fulfilled the obligations arising from the present Charter.

IN WITNESS WHERE OF the undersigned Plenipotentiaries, whose full powers have been presented and found to be in good and due form, sign the present Charter at the city of Bogota, Colombia, on the dates that appear opposite their respective signatures.

Footnotes:

¹ Came into force on 13 December 1951, in accordance with article 109, the instruments of ratification of two-thirds of the signatory States having been deposited by that date with the Pan-American Union.

Following is the list of States in respect of which the Charter came into force on 13 December 1951 indicating the respective dates of deposit of the instruments of ratification :

Bolivia 18 October 1950

Brazil 13 March 1950

Colombia(with the following declaration)* 13 December 1951

Costa Rica 16 November 1948

Dominican Republic 22 April 1949

Ecuador 28 December 1950

El Salvador 11 September 1950

Haiti 28 March 1951

Honduras 7 February 1950

Mexico 23 November 1948

Nicaragua 26 July 1950

Panama 22 March 1951

Paraguay 3 May 1950

United States of America (with the following reservation)** 19 June 1951

The Charter subsequently came into force in respect of Venezuela on 29 December 1951, the date of deposit of the instrument of ratification.

[TRANSLATION † TRADUCTION ††]

* The Congress of Colombia, in approving the "Charter of the Organization of American States", declares:

1. Respect for and the faithful observance of treaties constitute an indispensable standard for the development of peaceful relations among States ; and
2. Public treaties now in force between the Republic of Colombia and other States, whether American or not, may be revised only by agreement of the parties.

Paragraph : The present declaration shall appear in the Instrument of Ratification by the Republic of Colombia of the "Charter of the Organization of American States" and shall be understood to be the Colombian interpretation of article 14 of this Treaty.

† Translation communicated by the Pan American Union,

†† Traduction transmise par l'Union panaméricaine.