

## **Charter of the Organization of American States**

**Canada** signed the Charter on November 13, 1989 and ratified it on January 8, 1990.

**Adoption:** The Charter of the Organization of American States was adopted by the Ninth International Conference of American States in Bogotá, Colombia on 30 April 1948 and has been amended since by the adoption of four protocols.

**Entry into force:** 13 December 1951

**Number of signatories and ratifications/accessions:** 35 countries have signed the Charter.

### **Summary information**

The Charter is organized into three parts following a brief preamble. Part One describes the purposes and principles of the OAS as well as the rules and responsibilities of its member states, the mechanisms of peaceful dispute settlement between states, collective security and the key role social justice and development play in the achievement of peace and security. Part Two describes the organs of the OAS and their roles, including the General Assembly, the General Secretariat, the Inter-American Juridical Committee and the Inter-American Commission on Human Rights. Part Three describes the relationship of the Charter with the Charter of the United Nations and contains various miscellaneous provisions as well as the mechanisms of ratification and entry into force of the Charter.

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### **History**

The Charter of the Organization of American States was adopted by the Ninth International Conference of American States in Bogotá, Colombia on 30 April 1948.

The Charter was the culmination of a process begun at the first International Conference of American States, held from October 1889 to April 1890, to develop a “plan of arbitration for the settlement of disagreements and disputes” between countries of the Americas and to encourage beneficial “reciprocal commercial relations” so as to “secure more extensive markets for the products of each of said countries”. Subsequent Conferences of American States “established the basic principles of what would later become the Organization of American States”. For example, in 1923 the Fifth Conference adopted the *Treaty to Avoid or Prevent Conflicts between American States*. Then in 1933, the Seventh Conference adopted the *Convention on the Rights and Duties of States*. This convention “reaffirmed the principle that ‘States are juridically equal, enjoy the same rights, and have equal capacity in their exercise,’ reiterated the principle that no state has the right to intervene (prohibition of intervention) in the

internal or external affairs of another, and underscored the obligation of all States “to settle any differences that might arise between them through recognized pacific methods.”

“Apart from those Conferences, there were also Meetings of Ministers of Foreign Affairs and special meetings, such as the 1945 Conference on Inter-American Problems of War and Peace in Mexico City, to discuss joint activities to be undertaken by the American States consistent with the United Nations, which was then in the process of being established, or the Inter-American Conference for the Maintenance of Continental Peace and Security, convened in Rio de Janeiro, Brazil, in 1947, which adopted the Inter-American Treaty of Reciprocal Assistance, in the aftermath of the World War II and as the Cold War began to loom, in order to ensure legitimate collective self-defence in the event of an attack from a foreign power from outside the region and to decide on joint actions in the event of a conflict between two States Parties to the Treaty.”

During the same period, the countries agreed on the establishment of a number of institutions “to facilitate cooperation in specific areas”, beginning at the first conference with the creation of the *International Union of American Republics* with responsibility for the prompt “collection and distribution of commercial information”. This body later became the *Pan American Union* and eventually evolved into the *General Secretariat* to the OAS. Other institutions created during this period included:

- the Pan American Health Organization (1902), which later became the regional office of the future World Health Organization;
- the Inter-American Juridical Committee (1906);
- the Inter-American Children's Institute (1927);
- the Inter-American Commission of Women (1928);
- the Pan American Institute of Geography and History (1928);
- the Inter-American Indian Institute (1940);
- the Inter-American Institute for Cooperation on Agriculture (1942); and
- the Inter-American Defense Board (1942).

At the same time the Charter was adopted in 1948, the Ninth International Conference of American States also adopted the American Treaty on Pacific Settlement (Pact of Bogotá) and the American Declaration on the Rights and Duties of Man.

The Charter has been amended by the adoption of four protocols: the Protocol of Buenos Aires (27 February 1967); the Protocol of Cartagena (5 December 1985); the Protocol of Washington (14 December 1992); and the Protocol of Managua (10 June 1993).

## **Key Provisions**

The Charter is organized into three parts following a brief preamble. Part One describes the purposes and principles of the OAS as well as the rules and responsibilities of its member states, the mechanisms of peaceful dispute settlement between states, collective security and the key role social justice and development play in the

achievement of peace and security. Part Two describes the organs of the OAS and their roles, including the General Assembly, the General Secretariat, the Inter-American Juridical Committee and the Inter-American Commission on Human Rights. Part Three describes the relationship of the Charter with the Charter of the United Nations and contains various miscellaneous provisions as well as the mechanisms of ratification and entry into force of the Charter.

### *Preamble*

The preamble focuses on the desire of the American peoples to live together in peace, in independence, in equality and under law, on representative democracy as an “indispensable condition for the stability, peace and development of the region” and on the importance of continental cooperation to achieve these goals.

### *Part One*

The OAS is designated as a regional agency within the United Nations, established with the following “essential purposes”:

- to strengthen the peace and security of the continent;
- to promote and consolidate representative democracy, with due respect for the principle of non-intervention;
- to prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States;
- to provide for common action on the part of those States in the event of aggression;
- to seek the solution of political, juridical, and economic problems that may arise among them;
- to promote, by cooperative action, their economic, social, and cultural development;
- to eradicate extreme poverty, which constitutes an obstacle to the full democratic development of the peoples of the hemisphere; and
- to achieve an effective limitation of conventional weapons that will make it possible to devote the largest amount of resources to the economic and social development of the Member States.

Those purposes are supported by a set of principles including that international law is the standard of conduct of the Member States, that every State has “the right to choose, without external interference, its political, economic, and social system and to organize itself in the way best suited to it” and “the duty to abstain from intervening in the affairs of another State”, and that the “elimination of extreme poverty is an essential part of the promotion and consolidation of representative democracy and is the common and shared responsibility of the American States.” These principles also “proclaim the fundamental rights of the individual without distinction as to race, nationality, creed, or sex” and that the “education of peoples should be directed toward justice, freedom, and peace.”

Next there is an extensive section on membership. The section first recognizes all American States that ratify the Charter as Members of the OAS and then provides

information on the mechanism for the addition of additional states and for the suspension of a State whose democratically constituted government has been overthrown.

The fundamental rights and duties of states are then specified, first echoing the 1933 Convention on the Rights and Duties of States by confirming that “States are juridically equal, enjoy equal rights and equal capacity to exercise these rights, and have equal duties.”

Article 13 asserts that 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.”

Article 15 then amplifies this last sentence by affirming that 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” and Article 19 elaborates further by stipulating that “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 21 pushes these obligations even further, stating that “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.”

Furthermore, Member States are required to settle disputes through peaceful procedures including the use of “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.” At the same time an act of aggression against a Member State, including against its territorial integrity or its political independence, is to be considered an act of aggression against all the other Member States of the OAS.

Finally, Part One devotes a great deal of attention to the concept of Integral Development. The OAS defines Integral Development as “the general name given to a host of policies that work in tandem to foster sustainable development in both developing and underdeveloped countries” and the Charter states that it “encompasses the economic, social, educational, cultural, scientific, and technological fields through which the goals that each country sets for accomplishing it should be achieved.” In the Charter Member States pledge themselves “to a united effort to ensure international social justice in their relations and integral development for their peoples, as conditions essential to peace and security.”

The Charter states that development is a primary responsibility of each country and that the basic objectives of Integral Development include “equality of opportunity, the elimination of extreme poverty, equitable distribution of wealth and income and the full participation of their peoples in decisions relating to their own development.” There are a number of basic goals listed intended to help countries achieve those objectives including equitable distribution of national income, adequate and equitable systems of taxation, fair wages, employment opportunities and acceptable working conditions for all, rapid elimination of illiteracy and expansion of education for all, proper nutrition and adequate housing.

Member States are to “extend among themselves the benefits of science and technology by encouraging the exchange and utilization of scientific and technical knowledge in accordance with existing treaties and national laws” and “to join together in seeking a solution to urgent or critical problems that may arise whenever the economic development or stability of any Member State is seriously affected by conditions that cannot be remedied through the efforts of that State.”

Member States, “recognizing the close interdependence between foreign trade and economic and social development”, should strive to create “favorable conditions of access to world markets for the products of the developing countries of the region, particularly through the reduction or elimination, by importing countries, of tariff and nontariff barriers that affect the exports of the Member States”. The Member States also “recognize that integration of the developing countries of the Hemisphere is one of the objectives of the inter-American system and, therefore, shall orient their efforts and take the necessary measures to accelerate the integration process, with a view to establishing a Latin American common market in the shortest possible time.”

Article 45 states that “Member States, convinced that man can only achieve the full realization of his aspirations within a just social order, along with economic development and true peace, agree to dedicate every effort to the application of the following principles and mechanisms:

- All human beings, without distinction as to race, sex, nationality, creed, or social condition, have a right to material well-being and to their spiritual development, under circumstances of liberty, dignity, equality of opportunity, and economic security;
- Work is a right and a social duty, it gives dignity to the one who performs it, and it should be performed under conditions, including a system of fair wages, that ensure life, health, and a decent standard of living for the worker and his family, both during his working years and in his old age, or when any circumstance deprives him of the possibility of working;
- Employers and workers, both rural and urban, have the right to associate themselves freely for the defense and promotion of their interests, including the right to collective bargaining and the workers' right to strike, and recognition of the juridical personality of associations and the protection of their freedom and independence, all in accordance with applicable laws;

- The incorporation and increasing participation of the marginal sectors of the population, in both rural and urban areas, in the economic, social, civic, cultural, and political life of the nation, in order to achieve the full integration of the national community, acceleration of the process of social mobility, and the consolidation of the democratic system;
- Recognition of the importance of the contribution of organizations such as labor unions, cooperatives, and cultural, professional, business, neighborhood, and community associations to the life of the society and to the development process;
- Development of an efficient social security policy; and
- Adequate provision for all persons to have due legal aid in order to secure their rights.

In Article 49, Member States agree to “exert the greatest efforts” to ensure the effective exercise of the right to education, so that:

- Elementary education, compulsory for children of school age, is also be offered to all others who can benefit from it and without charge;
- Middle-level education is extended progressively to as much of the population as possible, with a view to social improvement;
- Higher education is available to all, provided that, in order to maintain its high level, the corresponding regulatory or academic standards are met; and
- Special attention is paid to the eradication of illiteracy, to strengthen adult and vocational education systems, and to ensure that the benefits of culture will be available to the entire population.

### *Part Two*

Part Two describes the organs of the OAS and their roles.

The General Assembly is the supreme organ of the OAS. Its principle powers include:

- deciding the general action and policy of the Organization, determining the structure and functions of its organs and considering any matter relating to friendly relations among the American States;
- establishing measures for coordinating the activities of the organs, agencies, and entities of the OAS among themselves, and such activities with those of the other institutions of the inter-American system;
- strengthening and coordinating cooperation with the United Nations and its specialized agencies;
- promoting collaboration, especially in the economic, social, and cultural fields, with other international organizations whose purposes are similar to those of the OAS;
- approving the program-budget of the OAS and determine the quotas of the Member States;
- considering the reports of the Meeting of Consultation of Ministers of Foreign Affairs (see below) and the observations and recommendations presented by the Permanent Council (see below) with regard to the reports that should be

- presented by the other organs and entities as well as the reports of any organ which may be required by the General Assembly itself;
- adopting general standards to govern the operations of the General Secretariat; and
  - adopting its own rules of procedure and, by a two-thirds vote, its agenda.

The General Assembly is convened annually with each Member State having the right to be represented and the right to one vote. With the approval of two-thirds of the Member States, a special session of the General Assembly can be convoked by the Permanent Council.

The Permanent Council of the Organization is composed of one representative of each Member State, appointed by the respective Government, with the rank of ambassador. The Chair is rotated among the representatives in alphabetic order (in Spanish) of the names of their respective countries. The Permanent Council “takes cognizance of any matter referred to it by the General Assembly or the Meeting of Consultation of Ministers of Foreign Affairs” and keeps “vigilance over the maintenance of friendly relations among the Member States, and for that purpose shall effectively assist them in the peaceful settlement of their disputes.” The Permanent Council also acts as the Preparatory Committee of the General Assembly, adopts provisions of a regulatory nature that enable the General Secretariat to carry out its administrative functions when the General Assembly is not in session and presents observations and recommendations to the General Assembly arising from the work of the Inter-American Council for Integral Development, the Inter-American Juridical Committee, the Inter-American Commission on Human Rights, the General Secretariat and specialized agencies and conferences.

The General Secretariat, located in Washington, D.C., is the central and permanent organ of the OAS, and carries out the duties assigned to it by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs and the various Councils. The purpose of the General Secretariat is to “promote economic, social, juridical, educational, scientific, and cultural relations among all the Member States of the Organization, with special emphasis on cooperation for the elimination of extreme poverty, in keeping with the actions and policies decided upon by the General Assembly and with the pertinent decisions of the Councils.” Specific functions include the preparation of the proposed program budget for the OAS, the provision of secretariat services and to serve as the custodian of documents and archives for the General Assembly and the other organs of the OAS.

The General Secretariat is headed by a Secretary-General who is elected by the General Assembly “for a five-year term and may not be reelected more than once or succeeded by a person of the same nationality” and who “may bring to the attention of the General Assembly or the Permanent Council any matter which in his opinion might threaten the peace and security of the Hemisphere or the development of the Member States.” The Secretary-General has responsibility to appoint an Executive Secretary for

Integral Development with the approval of the Inter-American Council for Integral Development.

The Meeting of Consultation of Ministers of Foreign Affairs is held to consider problems of an urgent nature and of common interest to the American States, and to serve as the "Organ of Consultation". Any country may request that a Meeting of Consultation be held and address that request to the Permanent Council which will decide by a majority vote if a meeting will be held. Article 65 specifies "In case of an armed attack on the territory of an American State or within the region of security delimited by the treaty in force, the Chairman of the Permanent Council shall without delay call a meeting of the Council to decide on the convocation of the Meeting of Consultation, without prejudice to the provisions of the Inter-American Treaty of Reciprocal Assistance with regard to the States Parties to that instrument." There is also an Advisory Defense Committee "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."

Other Councils include the:

- Inter-American Council for Integral Development which composed of one principal representative, of ministerial or equivalent rank, for each Member State and whose purpose "is to promote cooperation among the American States for the purpose of achieving integral development and, in particular, helping to eliminate extreme poverty" with a focus on economic, social, educational, cultural, scientific, and technological fields. This council meets annually and may create non-permanent specialized committees.
- Inter-American Juridical Committee which serves the OAS as an advisory body on juridical matters, promotes the progressive development and the codification of international law and studies juridical problems related to the integration of the developing countries of the Hemisphere. Statues are drafted by the Committee and submitted to the General Assembly for approval. This committee is based in Rio de Janeiro and is composed of eleven jurists, nationals of Member States, elected by the General Assembly for a period of four years from panels with the goal of equitable geographic representation. It is supposed to "establish cooperative relations with universities, institutes, and other teaching centers, as well as with national and international committees and entities devoted to study, research, teaching, or dissemination of information on juridical matters of international interest."
- Inter-American Commission on Human Rights whose principal function is "to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters."

The General Assembly or the Meeting of Consultation of Ministers of Foreign Affairs may, on their own or at the request of one of the Councils or Specialized Organizations, convene Specialized Conferences deal with special technical matters or to develop specific aspects of inter-American cooperation.

Specialized Organizations are “intergovernmental organizations established by multilateral agreements and having specific functions with respect to technical matters of common interest to the American States.” The relationship between the Specialized Organizations and the OAS is defined by means of agreements concluded between each organization and the Secretary General, with the authorization of the General Assembly.

### *Part Three*

Part Three describes the relationship of the Charter with the Charter of the United Nations as well as various miscellaneous provisions and the mechanisms of ratification and entry into force of the Charter.

With respect to the UN, the Charter states that “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.”

With respect to ratification, the Charter states “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.” The Charter was ratified on 13 December 1951.

A Member States may withdraw from the Charter through a denunciation process which is initiated by written notification to the General Secretariat. Two years from the date of notification, the Charter ceases to be in force with respect to the denouncing State and that State ceases to be a member of the OAS.

### **Canada’s Commitments and Responsibilities**

Canada signed the Charter on November 13, 1989 and ratified it on January 8, 1990. Canada made the following declarations at the time of ratification:

- Articles 27 and 28 of the Charter of the OAS do not create any military obligations for Canada, nor does Canada plan to adhere to the Inter-American Treaty of Reciprocal Assistance concluded at Rio de Janeiro on September 2, 1947. (Note that these are now articles 28 and 29 of the Charter. Current Article 28 states: 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. Current Article 29 states: 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.)

- Canada will not carry correspondence of the OAS free of charge in the mails of Canada.

### **International Monitoring and Implementation**

The Charter of the Organization of American States is not a treaty whose implementation involves a dedicated monitoring mechanism.

### **References**

[History of the OAS Charter](#)

[Protocol of Buenos Aires](#)

[Protocol of Cartagena](#)

[Protocol of Washington](#)

[Protocol of Managua](#)

[Charter of the OAS](#)

[Integral Development](#)