



ORGANIZATION OF AMERICAN STATES
PERMANENT COUNCIL

OEA/Ser.G
CP/doc.112/71 rev. 4
12 October 2001
Original: Spanish

STATUTES OF THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES

(Approved by the General Assembly at the seventh plenary session
of its first special session, held on July 7, 1970,
and amended at its sixth, nineteenth,
twenty-second, and thirty-first regular sessions)

GENERAL SECRETARIAT
ORGANIZATION OF AMERICAN STATES
WASHINGTON, D.C. 20006
2001

CP

CONTENTS

I.	NATURE.....	1
II.	MEMBERSHIP	1
III.	CHAIR AND VICE CHAIR.....	1
IV.	SECRETARIAT	2
V.	MEETINGS	2
VI.	COMMITTEES.....	2
VII.	QUORUM.....	3
VIII.	DECISION-MAKING.....	3
IX.	COMPETENCE	3
	A. General Powers and Functions	3
	B. Specific Powers and Functions.....	4
X.	AMENDMENTS TO THE STATUTES.....	10

STATUTES OF THE PERMANENT COUNCIL

I. NATURE

Article 1. The Permanent Council is one of the organs of the Organization of American States. It is directly responsible to the General Assembly. All member states have the right to be represented on this Council.

II. MEMBERSHIP

Article 2. The Permanent Council is composed of one representative of each member state, especially accredited by the government thereof, with the rank of ambassador. Each government may appoint such alternate representatives and advisers as it considers advisable and may if necessary accredit an interim representative.

Article 3. The government of each member state shall advise the Secretary General of the appointment of its representative, and of the appointment of its alternate representative and advisers, and, when called for, of its interim representatives. The Secretary General shall, in turn, inform the Permanent Council whenever a member state accredits a new permanent representative to the Organization.

Article 4. The order of precedence of the permanent representatives and of interim representatives shall be determined according to the dates on which their accreditation is formalized with the Secretary General. The General Secretariat of the Organization shall maintain a roster of the missions in which the aforementioned order of precedence shall be set forth.

III. CHAIR AND VICE CHAIR

Article 5. The office of Chair of the Permanent Council shall be held by each of the principal representatives in turn, following the alphabetical order in Spanish of the names of their respective countries. The office of the Vice Chair shall be filled in the same way, following the reverse alphabetical order.

Article 6. The Chair and Vice Chair shall hold office for a term of three months. These terms shall begin automatically on the first day of each quarter of the calendar year.

Article 7. In the event of the temporary absence or disability of the Chair, the Vice Chair shall replace him/her and, in the event of the absence or disability of both of them, the principal representative of greatest seniority shall preside.

If for any reason the country to which the Chair corresponds does not have a principal representative, the Vice Chair shall serve as Chair until a principal representative of that country joins the Council.

If during a term or part thereof a country to which the Chair or Vice Chair corresponds does not have a principal representative, that term shall not be interrupted. Once it has ended, the Chair or Vice Chair shall go to the following country, in accordance with the order established in Article 5.

IV. SECRETARIAT

Article 8. The Assistant Secretary General shall be the Secretary of the Permanent Council and of its subsidiary organs, agencies, and committees.

Article 9. In the event that the office of the Assistant Secretary General becomes vacant, the Permanent Council shall elect a substitute to hold that office until the General Assembly elects a new Assistant Secretary General for a full term.

Article 10. The Secretary General, or his representative, and the Secretary of the Permanent Council may participate with voice but without vote in all meetings of the Permanent Council and in those of its subsidiary organs, agencies, and committees.

Article 11. The General Secretariat, the central and permanent organ of the Organization, is the Secretariat of the Permanent Council and of its subsidiary organs, agencies, and committees. For this purpose, the General Secretariat shall provide them with secretariat services and shall carry out their directives and assignments.

V. MEETINGS

Article 12. The Permanent Council shall hold its meetings at its seat, in the manner determined by its Rules of Procedure.

Article 13. The Permanent Council may also hold meetings in any member state, when it finds it advisable and with the prior consent of the government concerned.

Article 14. The Permanent Council shall hold its meetings on the dates indicated by its Rules of Procedure and when convoked by the Chair either on his/her own initiative or at the request of any representative.

Likewise, the Chair shall convoke the Permanent Council when the Secretary General, in exercise of the authority provided for in Article 110, paragraph 2, of the Charter, expressly requests it.

The Permanent Council shall take decisions on matters that are within its competence. This shall be governed by Article 18 of these Statutes.

VI. COMMITTEES

Article 15. The Permanent Council shall establish such committees and working groups as it deems necessary to facilitate its work, in accordance with the provisions of its Rules of Procedure.

VII. QUORUM

Article 16. The quorum for meetings of the Permanent Council shall be one third of the representatives of the member states.

In the case of the committees, subcommittees, and working groups, the quorum for meetings shall be one third of the representatives of the member states on the respective bodies.

The quorum for taking decisions in the Permanent Council shall be the majority of the representatives of the member states.

The quorum for taking decisions in the committees, subcommittees, and working groups shall be the majority of the representatives of the member states on the respective bodies.

VIII. DECISION-MAKING

Article 17. Each member state has the right to one vote.

Decisions of the Permanent Council shall be taken by the affirmative vote of the majority of the members of the Council, except when otherwise expressly provided for in the Charter of the Organization, in other inter-American instruments, or in these Statutes.

In budgetary matters the approval of two thirds of the member states shall be required.

Without prejudice to the preceding provisions, the Permanent Council may also take decisions by consensus.

IX. COMPETENCE

Article 18. The Permanent Council has the authority granted to it as set forth in the relevant provisions of the Charter and other inter-American instruments. Within said limits it will discharge the functions assigned to it by the General Assembly and the Meeting of Consultation of Ministers of Foreign Affairs, and it shall take cognizance of any matter referred to it by the aforementioned organs. It shall likewise take cognizance of any matter that, pursuant to Article 110 of the Charter, the Secretary General of the Organization may bring to its attention.

A. General Powers and Functions

Article 19. The Permanent Council shall:

- a. Make recommendations on matters under its authority, within the limits of the Charter and other inter-American instruments;
- b. Render to the governments such specialized services as they may request, to the extent of its ability and with the cooperation of the General Secretariat;

- c. Prepare, at the request of the member states and with the cooperation of the appropriate organs of the Organization, draft agreements to promote and facilitate cooperation between the Organization of American States and the United Nations or between the Organization and other American agencies of recognized international standing; and submit these draft agreements to the General Assembly for approval;
- d. With the prior approval of the General Assembly, establish the subsidiary organs and the agencies that it considers advisable for the best performance of its duties. When the General Assembly is not in session the Council may provisionally establish the aforesaid organs and agencies. In constituting the membership of these bodies, the Council, insofar as possible, shall follow the criteria of rotation and equitable geographic representation;
- e. Require the Inter-American Council for Integral Development, as well as the subsidiary organs and agencies responsible to it, to provide it with information and advisory services on matters within their respective spheres of competence; and request the same services from the other agencies of the inter-American system;
- f. Answer the inquiries that the Inter-American Council for Integral Development addresses to it within its sphere of competence;
- g. Adopt the programs that, in the sphere of competence of the Council, shall serve the General Secretariat as a basis for preparing the proposed program-budget of the Organization in accordance with the provisions of Article 112.c of the Charter;
- h. Carry out those decisions of the General Assembly or of the Meeting of Consultation of Ministers of Foreign Affairs, the implementation of which has not been assigned to any other body;
- i. Make such observations as it may deem pertinent, in its sphere of competence, with regard to the proposed program-budget of the Organization prepared by the General Secretariat and which the latter transmits to it for consultation, for the purposes indicated in Article 112.c of the Charter; and
- j. Approve its own Rules of Procedure and those of its subsidiary organs, agencies, and committees.

B. Specific Powers and Functions

Admission of New Members

Article 20. The Permanent Council shall receive, through the General Secretariat, a communication addressed to it by any new political entity that arises from the union of several member states and that, as such, indicates its intention to sign and ratify the Charter in order to formally join the Organization.

Once the provisions of Article 7 of the Charter have been complied with, the Council shall authorize the Secretary General to accept the corresponding instrument of ratification.

Article 21. The Permanent Council shall consider only those applications to join the Organization of American States that are presented by independent American states that were members of the United Nations as of December 10, 1985, and by the nonautonomous territories mentioned in document OEA/Ser.P/AG/doc.1939/85, of November 5, 1985, when they become independent. The applications shall be addressed to the Secretary General in accordance with the provisions of Articles 6 and 7 of the Charter. The Council, by the affirmative vote of two thirds of the member states, shall make the pertinent recommendation to the General Assembly, so that the General Assembly may determine whether it is appropriate to authorize the Secretary General to permit the applicant state to sign the Charter and to accept deposit of the corresponding instrument of ratification.

Peaceful Settlement of Disputes

Article 22. The Permanent Council shall keep 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, in accordance with the following provisions:

a. In accordance with the Charter

Article 23. In keeping with the provisions of the Charter, the Permanent Council shall, in accordance with the terms of the preceding article, assist the parties and recommend the procedures it deems appropriate for peaceful settlement of the dispute when any party to a dispute in which none of the peaceful procedures provided for in Article 25 of the Charter is under way resorts to the Council to obtain its good offices.

Article 24. In the exercise of its functions, the Permanent Council may establish ad hoc committees, with the consent of the parties to the dispute.

Article 25. The ad hoc committees shall have the membership and mandate that the Permanent Council agrees upon in each case, with the consent of the parties to the dispute.

Article 26. The Permanent Council may also, by such means as it deems advisable, investigate the facts of the dispute, and may do so in the territory of any of the parties, with the consent of the government concerned.

Article 27. The Permanent Council shall present a report to the General Assembly, if the procedure for peaceful settlement of disputes recommended by the Council or suggested by the pertinent ad hoc committee under the terms of its mandate is not accepted by one of the parties or if one of the parties declares that the procedure has not settled the dispute, without prejudice to taking steps to secure agreement between the parties or to restore relations between them.

Article 28. The Permanent Council, in the exercise of these functions, shall take its decisions by an affirmative vote of two thirds of its members, except for those decisions for which the Rules of Procedure authorize a simple majority.

The parties to the dispute shall be excluded both from voting and in calculating majorities.

Article 29. In performing its functions with respect to the peaceful settlement of disputes, the Council shall observe the provisions of the Charter and the principles and standards of international law, as well as take into account the existence of treaties in force between the parties.

b. In accordance with the American Treaty on Pacific Settlement

Article 30. When a state that is a party to the American Treaty on Pacific Settlement (Pact of Bogotá) initiates, in relation to one or more other states parties, the procedure of investigation and conciliation provided for in that Treaty and, in accordance with Article XVI of the Treaty, requests the Permanent Council to convoke the Commission of Investigation and Conciliation, the Council shall determine the place where the Commission shall meet and shall take other immediate steps necessary to convoke it.

At the request of one of the parties the Council may, pending the convocation of the Commission, make recommendations to the parties so that they will refrain from any act that might make conciliation more difficult.

Article 31. The Permanent Council shall determine the financial remuneration to be received by each member of the Commission of Investigation and Conciliation, if the parties do not agree on the amount.

Article 32. When in the cases contemplated in Articles XXXV and XXXVIII of the American Treaty on Pacific Settlement two or more states parties to the Treaty submit a dispute or difference of any kind existing between them to arbitration and transmit to the Permanent Council the designation of their respective arbiters and the lists of candidates for membership on the Arbitral Tribunal, the Council shall proceed to establish the tribunal within the month following the presentation of the lists, in the manner set forth in paragraph (2) of Article XL of the Treaty.

Article 33. When one of the parties requests the Permanent Council to establish the Arbitral Tribunal because the other party has failed to designate its arbiter and present its list of candidates within the period of two months set in Article XL, the Council shall immediately urge the delinquent party to fulfill these obligations within an additional period of fifteen days, after which time the Council itself shall establish the tribunal in the manner set forth in Article XLV of the Treaty.

Article 34. The Permanent Council shall determine the financial remuneration to be received by each member of the Arbitral Tribunal, if the parties do not agree on the amount.

Article 35. When the Permanent Council receives from the parties interested in the solution of a controversy a communication in which they, by mutual agreement, request the General Assembly or the Security Council of the United Nations to ask the International Court of Justice for an advisory opinion on any juridical question, the Council shall transmit that request of the parties to the body to which it is addressed, in compliance with the provisions of Article LI of the American Treaty on Pacific Settlement.

General Assembly

Article 36. The Permanent Council may submit recommendations to the General Assembly with regard to the functioning of the Organization and the coordination of its subsidiary organs, agencies, and committees.

On matters within its competence, the Council may also present to the General Assembly studies, proposals, and drafts of international instruments.

Article 37. When acting as the Preparatory Committee of the General Assembly in accordance with Article 91.c of the Charter, the Permanent Council shall have the following duties:

To prepare the draft agenda for each session of the General Assembly;

To review the proposed program-budget submitted to it by the General Secretariat in accordance with the procedure provided for in Article 112.c of the Charter and the draft resolution on quota contributions, and to present to the General Assembly a report thereon, containing the recommendations it considers appropriate;

To transmit the draft agenda and the report, in due course, to the governments of the member states; and

d. To carry out such other functions as the General Assembly may assign to it.

Article 38. If for any reason the General Assembly cannot be held at the place chosen during the previous regular session, and if one of the member states should make a timely offer of a site in its territory, the Permanent Council may agree that the General Assembly will meet in that place.

Decisions of the Permanent Council pursuant to this article shall be taken by the affirmative vote of two thirds of the member states.

Article 39. In special circumstances, the Permanent Council shall convoke a special session of the General Assembly, and shall determine the date and place for it. This decision shall require the approval of two thirds of the member states.

Article 40. The Permanent Council shall present to the General Assembly an annual report and such special reports as it may deem advisable.

Meeting of Consultation of Ministers of Foreign Affairs

Article 41. When, in accordance with Article 62 of the Charter, one or more member states request the Permanent Council to call a Meeting of Consultation of Ministers of Foreign Affairs to consider problems of an urgent nature and of common interest to the American states, the Council shall decide by an absolute majority of votes whether the Meeting should be held. If the decision is affirmative, the Council shall set the place and date for holding the Meeting.

Article 42. The Permanent Council shall prepare the draft agenda of the meeting referred to in the preceding article, taking into account the topic or topics the requesting government or governments propose, and shall submit it to the member states for consideration, which may suggest other topics or make observations on those already presented, within a period fixed by the Council. Once the agenda has been approved by the Council, the latter may not change it.

Article 43. When one or more member states that are parties to the Inter-American Treaty of Reciprocal Assistance request the Permanent Council, in accordance with Article 13 of that Treaty and with Article 62 of the Charter, to convoke a Meeting of Consultation of Ministers of Foreign Affairs to serve as the Organ of Consultation, the Council shall decide by the affirmative vote of an absolute majority of the members who have a right to vote whether a Meeting should be held. If the decision is affirmative, the Council shall set the place and date for holding the Meeting.

Article 44. The state or states requesting the convocation of a meeting in accordance with the preceding article shall state the purpose of such convocation in the request they make to the Permanent Council. The topic to be considered shall be mentioned specifically in the notice of convocation.

Article 45. In case of an armed attack on the territory of an American state or within the region of security established by the Inter-American Treaty of Reciprocal Assistance, the Chair 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 Treaty.

Article 46. The Permanent Council shall prepare the Regulations of the Meeting of Consultation and submit them to the member states for consideration. Before each Meeting, the Council shall consider whether modifications in the Regulations are required or whether it is necessary to adopt temporary regulatory provisions to take into account particular aspects of the Meeting. These modifications or temporary provisions shall be submitted to the member states for consideration.

Article 47. The Permanent Council shall serve provisionally as the Organ of Consultation, as provided in Article 83 of the Charter, and in the Inter-American Treaty of Reciprocal Assistance.

Inter-American Juridical Committee

Article 48. The Permanent Council shall consider the reports of the Inter-American Juridical Committee and present to the General Assembly any observations and recommendations it deems necessary with respect thereto.

Article 49. The Permanent Council may request the advisory services of the Inter-American Juridical Committee serving as an advisory body of the Organization. It may also assign to that Committee such studies and preparatory work as it may deem necessary.

Article 50. When a vacancy occurs on the Inter-American Juridical Committee for reasons other than normal expiration of the term of office of a member of the Committee, the Permanent

Council shall proceed to fill the vacancy on the basis of the criteria set forth in Article 101 of the Charter and the electoral standards contained in the Rules of Procedure of the General Assembly.

Inter-American Commission on Human Rights

Article 51. The Permanent Council shall perform the functions entrusted to it by the pertinent provisions of the Statute of the Inter-American Commission on Human Rights.

Article 52. The Permanent Council shall consider the reports of the Inter-American Commission on Human Rights and present to the General Assembly any observations and recommendations it deems necessary with respect thereto.

General Secretariat

Article 53. The General Secretariat shall advise the Permanent Council and its subsidiary organs, agencies, and committees in the preparation of agendas and rules of procedure.

Article 54. In matters within its competence, the Permanent Council may entrust the General Secretariat with establishing cooperative relations with the specialized organizations and other national and international organizations.

Article 55. In considering proposals that would require expenditures by the Organization, the Permanent Council shall take into account the financial estimates that the General Secretariat is to prepare.

Article 56. The Permanent Council shall watch over the observance of the General Standards to Govern the Operations of the General Secretariat and, when the General Assembly is not in session, adopt provisions of a regulatory nature that enable the General Secretariat to carry out its administration functions.

Specialized Conferences

Article 57. The Permanent Council, in matters within its competence, may propose to the General Assembly or to the Meeting of Consultation of Ministers of Foreign Affairs the holding of specialized conferences and, in urgent cases, the Council may convoke them after consulting with the member states and without the approval of the General Assembly or of the Meeting of Consultation being required.

Article 58. The Permanent Council shall prepare the agenda and rules of procedure of the specialized conferences referred to in Article 57 and those of any others whose preparation is entrusted to it by the General Assembly or the Meeting of Consultation.

The Council shall prepare the agendas and rules of procedure for other specialized conferences when the General Assembly or the Meeting of Consultation has not otherwise decided and no other entity is responsible for doing so by reason of the nature of the conference.

The Council shall submit the agendas and rules of procedure that it prepares to the member states for consideration.

Article 59. The Permanent Council, in matters within its competence, may present studies, proposals, and drafts of international instruments to the specialized conferences.

Reports of the Organs, Agencies, and Entities of the Organization

Article 60. The Permanent Council shall consider the reports of the Inter-American Council for Integral Development (CIDI), of the General Secretariat, of the Inter-American Specialized Organizations, of the Inter-American Specialized Conferences, as well as those of other bodies and agencies, and present to the General Assembly any observations and recommendations it deems necessary with respect thereto.

Specialized Organizations and other Inter-American Bodies

Article 61. The Permanent Council, in matters within its competence, may make recommendations to the specialized organizations and may present to the General Assembly proposals on the creation, modification, or elimination of specialized organizations and other inter-American bodies, as well as on the coordination of their activities.

Article 62. The Permanent Council shall report to the General Assembly on the intergovernmental organizations that, within their sphere of competence, fulfill the conditions set forth in Article 124 of the Charter for consideration as Inter-American Specialized Organizations.

Collaboration of Countries Not Members of the Organization in the Area of Cooperation for Development

Article 63. In accordance with the provisions of Article 138 of the Charter and within the other provisions of the Charter, the Permanent Council shall endeavor to obtain greater collaboration from countries not members of the Organization in the area of cooperation for development.

X. AMENDMENTS TO THE STATUTES

Article 64. Any amendment to these Statutes shall be approved by the General Assembly. The Permanent Council may propose to the Assembly such amendments as it considers desirable.

THE ORGANIZATION OF AMERICAN STATES

The Organization of American States (OAS) is the world's oldest regional organization, dating back to the First International Conference of American States, held in Washington, D.C., from October 1889 to April 1890. At that meeting the establishment of the International Union of American Republics was approved. The Charter of the OAS was signed in Bogotá in 1948 and entered into force in December 1951. The Charter was subsequently amended by the Protocol of Buenos Aires, signed in 1967, which entered into force in February 1970; by the Protocol of Cartagena de Indias, signed in 1985, which entered into force in November 1988; by the Protocol of Managua, signed in 1993, which entered into force on January 29, 1996; and by the Protocol of Washington, signed in 1992, which entered into force on September 25, 1997. The OAS currently has 35 member states. In addition, the Organization has granted permanent observer status to 49 states, as well as to the European Union.

The essential purposes of the OAS are: to strengthen peace and security in the Hemisphere; to promote and consolidate representative democracy, with due respect for the principle of nonintervention; to prevent possible causes of difficulties and to ensure peaceful 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; 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.

The Organization of American States accomplishes its purposes by means of: the General Assembly; the Meeting of Consultation of Ministers of Foreign Affairs; the Councils (the Permanent Council and the Inter-American Council for Integral Development); the Inter-American Juridical Committee; the Inter-American Commission on Human Rights; the General Secretariat; the specialized conferences; the specialized organizations; and other entities established by the General Assembly.

The General Assembly holds regular sessions once a year. Under special circumstances it meets in special session. The Meeting of Consultation is convened to consider urgent matters of common interest and to serve as Organ of Consultation under the Inter-American Treaty of Reciprocal Assistance (Rio Treaty), the main instrument for joint action in the event of aggression. The Permanent Council takes cognizance of such matters as are entrusted to it by the General Assembly or the Meeting of Consultation and implements the decisions of both organs when their implementation has not been assigned to any other body; it monitors the maintenance of friendly relations among the member states and the observance of the standards governing General Secretariat operations; and it also acts provisionally as Organ of Consultation under the Rio Treaty. The General Secretariat is the central and permanent organ of the OAS. The headquarters of both the Permanent Council and the General Secretariat are in Washington, D.C.

MEMBER STATES: Antigua and Barbuda, Argentina, The Bahamas (*Commonwealth of*), Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica (*Commonwealth of*), Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States, Uruguay, and Venezuela.

ISBN-0-8270-4352-X