

ACUERDOS BILATERALES

Clasificación: 177-2010

Fecha de Ingreso: November 30, 2010.

Nombre del Acuerdo: Cooperation Agreement between the General Secretariat of the Organization of American States, and The Permanent Court of Arbitration (PCA).

Materia: Términos y condiciones para cooperación entre las partes para fortalecer la educación y el desarrollo humano, en el marco de los Programas de Desarrollo Humano de la OEA.

Partes: SG/ Permanent Court of Arbitration (PCA)

Referencia: Permanent Court of Arbitration (PCA).

Fecha de Firma: November 05, 2010

Fecha de Inicio:

Fecha de Terminación:

Lugar de Firma: Washington D.C

Unidad Encargada: Departamento de Derecho Internacional.

Persona Encargada:

Original

Claves

Cierres del proceso



Organización de los Estados Americanos
Organização dos Estados Americanos
Organisation des États Américains
Organization of American States



COOPERATION AGREEMENT

between

The Permanent Court of Arbitration
headquartered at the Peace Palace, Carnegieplein 2, 2517 KJ, The Hague,
The Netherlands
("PCA")

and

The General Secretariat of the Organization of American States
headquartered at 17th Street & Constitution Ave., N.W., Washington, DC 20006,
United States of America
("OAS")

(together also referred to as the "Parties")

THE PARTIES,

RECOGNIZING the benefits of international arbitration as a means for the peaceful resolution of international disputes;

RECOGNIZING the desirability of raising awareness about and further promoting international arbitration in the Americas;

MINDFUL that the PCA was established by the 1899 Convention for the Pacific Settlement of International Disputes at the first Hague Peace Conference, which was convened "with the object of seeking the most objective means of ensuring to all peoples the benefits of a real and lasting peace";

MINDFUL that the OAS and its General Secretariat was established by the 1948 Charter of the Organization of American States, which expresses "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";

CONSIDERING that the PCA's International Bureau has considerable experience and expertise in providing registry services and administrative support for international arbitral proceedings involving States, inter-governmental organizations and private parties;

CONSIDERING that Article 25 of the 1948 Charter of the Organization of American States recognizes direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and other consensual methods as means for the pacific settlement of international disputes between Member States of the OAS; and

CONSIDERING that one of the objectives of the OAS is to establish relations of cooperation with international organizations to promote the principles of the Organization;

CONSIDERING ALSO that the General Secretariat of the OAS is the central and permanent organ of the OAS and has the power to establish and foster ties of cooperation, under Article 112 (h) of the OAS Charter and General Assembly resolution AG/RES. 57 (I-O/71);

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Cooperation

The Parties agree to cooperate, wherever possible and within their respective mandates, to promote the use of international arbitration involving Member States of the OAS and to raise awareness about developments in the field of international arbitration.

For purposes of such cooperation, the Parties shall conclude supplementary agreements or memoranda of understanding in accordance with the guidelines established in this Cooperation Agreement.

The Parties acknowledge that any financial obligations incurred by the Parties as a result of this Cooperation Agreement, or supplementary agreements or memoranda of understanding that may be signed, are subject to the decisions of their governing bodies, the availability of funds, and to the standards, rules, and regulations relating to budgetary and financial matters.

ARTICLE 2

Activities

The Parties agree that their cooperation may comprise the following activities:

1. Joint comparative research studies on cooperation between Member States of the OAS and the PCA in the field of arbitration, taking into account the Hemisphere's different legal systems.
2. Provision of technical advice by the PCA, when necessary, for the drafting and adoption of Inter-American instruments by the OAS related to international arbitration and other forms of dispute resolution.
3. Participation in briefing sessions by representatives of the PCA to competent organs of the OAS on ways of strengthening cooperation among Member States of the OAS through international arbitration and other forms of dispute resolution;
4. Integrating lectures by representatives of the PCA on international dispute settlement in the Inter-American Program for the Development of International Law, organized annually by the OAS; and
5. Exchange of documentation regarding international arbitration in order to preserve the institutional memory of both organizations.

ARTICLE 3

Exchange of Information

The Parties will exchange information on matters of common interest on a regular basis, including through participation in conferences or meetings held by the other Party, in accordance with their existing rules and when such conferences or meetings address matters of common interest.

ARTICLE 4

Reciprocal Consultation

The Parties agree to consult regularly on matters of mutual interest in order to determine the means they consider most appropriate for achieving the full effectiveness of the objectives of this Cooperation Agreement.

ARTICLE 5

Confidentiality

The Parties agree that cooperation pursuant to this Agreement shall not affect the Parties' duties to maintain the confidentiality of some information that, if provided, may jeopardize their relationship with Governments, entities, or persons from whom that information may have been received.

ARTICLE 6

Intellectual Property Rights

Intellectual property rights and, in particular, copyright of pre-existing materials provided by each Party for the activities, documentation, consultations, and exchanges of information defined in this Cooperation Agreement shall remain the property of the Party that has provided such materials and/or rights, and the providing Party grants the other license at no cost to make use of the material for the purposes of this Agreement. Each Party warrants that the intellectual property it provides pursuant to this Agreement does not unlawfully infringe upon the rights of any other third party. In the case of joint activities where the Parties create new intellectual property as part of this Agreement, such as documentation, consultations and exchanges of information, the intellectual property rights will be defined by mutual agreement prior to engaging in such activities, documentation, consultations and exchanges of information.

ARTICLE 7

Facilities

Each of the Parties may request the use of the other Party's facilities for holding official meetings or proceedings. Such use will be agreed upon through a supplementary agreement or memorandum of understanding, pursuant to the internal rules of each organization regarding the use of such facilities. The supplementary agreement or memorandum of understanding shall also define the allocation of any expenditures that may be incurred as a result of facility use. Each request for facility use must be submitted in writing and approved in advance. The use of facilities is subject to availability, taking into account the logistical needs of the host.

ARTICLE 8

Liaison and Coordination

To facilitate communication for implementation and further development of this Cooperation Agreement, the International Bureau of the PCA and the Department of International Law of the Secretariat for Legal Affairs of the General Secretariat of the OAS, shall designate institutional liaisons for their respective organizations.

ARTICLE 9

Amendments

Amendments to this Cooperation Agreement may only be made by mutual consent in writing. The instruments recording the amendments shall be appended to this Cooperation Agreement and become part of it.

ARTICLE 10

Settlement of Disputes

Any dispute that arises with regard to the interpretation or implementation of this Cooperation Agreement shall be settled through direct negotiation between the Parties. Should the Parties fail to reach a settlement that is satisfactory to both, they shall submit their differences to a mutually agreeable arbitration procedure, which shall be final and binding upon the Parties.

ARTICLE 11

Privileges and Immunities

This Cooperation Agreement shall not signify a waiver by the OAS or its General Secretariat and the PCA of the privileges and immunities that they enjoy by virtue of agreements and principles of international law.

ARTICLE 12

Entry into Force and Denunciation

This Cooperation Agreement shall enter into force upon signature by both Parties. However, the Parties may terminate it by providing written notice to the other party at least three (3) months in advance of the effective date of termination.

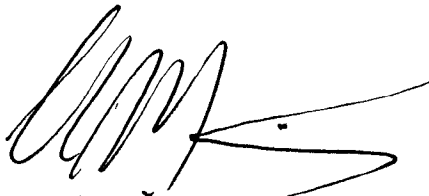
IN WITNESS WHEREOF the duly accredited representatives of the Parties sign this Cooperation Agreement in two originals in the English language.

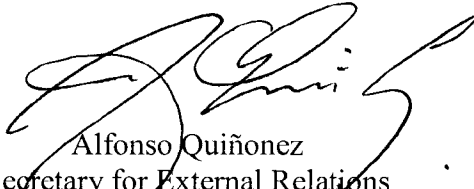
Dated:

Dated:

FOR THE PERMANENT COURT
OF ARBITRATION

FOR THE GENERAL SECRETARIAT OF
THE ORGANIZATION OF AMERICAN
STATES


Christiaan M.J. Kröner
Secretary General


Alfonso Quiñonez
Secretary for External Relations
in charge of the General Secretariat

