

AG/RES. 1484 (XXVII-O/97)

**PROCEDURE FOR CORRECTING ERRORS IN TREATIES OR CONVENTIONS FOR WHICH THE ORGANIZATION OF AMERICAN STATES IS DEPOSITORY**

(Resolution adopted at the seventh plenary session, held on June 5, 1997)

THE GENERAL ASSEMBLY,

TAKING INTO ACCOUNT the need to establish a procedure for correcting errors in treaties or conventions for which the Organization of American States is depository;

CONSIDERING that resolution AG/RES. 545 (XI-O/81), "Procedure for Correcting Errors or Discrepancies in Treaties or Conventions for Which the OAS Is Depository," has presented certain difficulties and drawbacks in terms of its application and interpretation, which have come to light in recent cases in which the error correction process was applied;

BEARING IN MIND that, through resolution AG/RES. 1329 (XXV-O/95), the General Assembly said that the Organization should consider studying possible guidelines covering the entire process of preparing inter-American legal instruments, which would include a procedure for correcting errors; and

CONSIDERING that the Inter-American Juridical Committee, in resolution CJI/RES.I-3/97, recommended a review of resolution AG/RES. 545 (XI-O/81),

RESOLVES:

To adopt the following Procedure for Correcting Errors in Treaties or Conventions for Which the Organization of American States Is Depository, which shall replace in its entirety the procedure set forth in resolution AG/RES. 545 (XI-O/81):

**PROCEDURE FOR CORRECTING ERRORS IN TREATIES OR CONVENTIONS FOR WHICH THE ORGANIZATION OF AMERICAN STATES IS DEPOSITORY**

Article 1

The purpose of this procedure is to correct errors in texts of treaties for which the General Secretariat of the Organization of American States is depository. The procedure applies to cases in which, after the text has been certified, the signatory states or states parties agree that the treaty contains an error.

Article 2

For the purpose of applying this procedure, an error shall be understood as:

- a. One of a typographical nature;
- b. A discrepancy between the certified texts of the treaty in the official languages of the Organization of American States due to errors in translation or omissions in one text with respect to another or others;
- c. A discrepancy between the text signed by the negotiating states and open for signature, ratification, or accession by the states and the text as adopted, as it appears in the minutes, for presentation to the delegations for signature.

Article 3

When an error has been noticed by a signatory state or state party, it shall be reported to the Secretary General for the purposes provided in this procedure. The Secretary General shall initiate the procedure ex officio when the error has been noticed by the General Secretariat in its capacity as depository. In both instances, the period during which the signatory states or states parties, or the Secretary General, may submit proposals for correction shall be the 90 days beginning on the date of adoption of the text of the treaty.

Article 4

In order to make the correction, the Secretary General, within the 15 days following expiry of the initial 90-day period, shall inform the signatory states and the states parties of the error and of the proposal for its correction. A period of 60 days, beginning on the date of notification, shall be established for the states to present their objections to the proposal for correction.

Article 5

If, upon expiry of the period stipulated in the preceding article, no objection has been raised, the Secretary General shall make the correction in the text, shall execute a procès-verbal of rectification of the text, and shall

transmit a copy of the procès-verbal and a certified copy of the amended text to the signatory states of, or states parties to, the treaty.

If an objection or objections have been raised during the time period specified in the preceding paragraph, the Secretary General shall communicate the objection or objections to the other parties to the treaty and to the other signatory states, and shall invite them to present their observations or comments within 30 days. Within the 15 days following expiry of that period, the Secretary General shall convene a special meeting, at which, if applicable, any decisions taken on corrections to be made in the texts in question will be conveyed to the Secretary General. Once a written agreement has been signed by all the signatory states or states parties that have presented written proposals or objections, the Secretary General shall proceed as provided under the first paragraph of this article and shall append the agreement to the procès-verbal of rectification referred to in that paragraph.

Article 6

The corrected text shall replace the defective text ab initio.

Article 7

The correction of the text of a treaty that has been registered shall be reported to the Secretariat of the United Nations.