



## **PROTOCOL OF AMENDMENT TO THE CHARTER OF THE ORGANIZATION OF AMERICAN STATES (A-50) "PROTOCOL OF CARTAGENA DE INDIAS"**

IN THE NAME OF THEIR PEOPLES, THE AMERICAN STATES REPRESENTED AT THE FOURTEENTH SPECIAL SESSION OF THE GENERAL ASSEMBLY, MEETING IN CARTAGENA DE INDIAS, COLOMBIA, HAVE AGREED UPON THE FOLLOWING PROTOCOL OF AMENDMENT TO THE CHARTER OF THE ORGANIZATION OF AMERICAN STATES

### ARTICLE I

The text of the Preamble to the Charter of the Organization of American States is modified to read as follows:

IN 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;

Convinced that representative democracy is an indispensable condition for the stability, peace and development of the region;

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 in Mexico City,

### ARTICLE II

The texts of the following articles of the Charter of the Organization of American States are amended to read as follows: 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.

The Organization of American States has no powers other than those expressly



conferred upon it by this Charter, none of whose provisions authorizes it to intervene in matters that are within the internal jurisdiction of the Member States. Article 2

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 promote and consolidate representative democracy, with due respect for the principle of nonintervention; c) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States; d) To provide for common action on the part of those States in the event of aggression; e) To seek the solution of political, juridical, and economic problems that may arise among them; f) To promote, by cooperative action, their economic, social and cultural development, and g) 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. Article 3

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; e) 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 has the duty to abstain from intervening in the affairs of another State. Subject to the foregoing, the American States shall cooperate fully among themselves, independently of the nature of their political, economic, and social systems; f) The American States condemn war of aggression: victory does not give rights; g) An act of aggression against one American State is an act of aggression against all the other American States; h) Controversies of an international character arising between two or more American States shall be settled by peaceful procedures;

i) Social justice and social security are bases of lasting peace; j) Economic cooperation is essential to the common welfare and prosperity of the peoples of the continent; k) The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed, or sex; l) 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; m) The education of peoples should be directed toward justice, freedom and peace. Article 8

The Permanent Council shall not make any recommendation nor shall the General Assembly take any decision with respect to a request for admission on the part of a political entity whose territory became subject, in whole or in part, prior to December 18, 1964, the date set by the First Special Inter-American Conference, to litigation or claim between an extracontinental country and one or more Member States of the Organization, until the dispute has been ended by some peaceful procedure. This article shall remain in effect until December 10, 1990. Article 23

International disputes between Member States shall be submitted to the peaceful procedures set forth in this Charter.

This provision shall not be interpreted as an impairment of the rights and obligations of



the Member States under Articles 34 and 35 of the Charter of the United Nations.  
Article 26

A special treaty will establish adequate means for the settlement of disputes and will determine pertinent procedures for each peaceful means such that no dispute between American States may remain without definitive settlement within a reasonable period of time. Article 29

The Member States, inspired by the principles of Inter-American solidarity and cooperation, 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. Integral development encompasses the economic, social, educational, cultural, scientific and technological fields through which the goals that each country sets for accomplishing it should be achieved. Article 34

The Member States should refrain from practicing policies and adopting actions or measures that have serious adverse effects on the development of other Member States. Article 37

The Member States, recognizing the close interdependence between foreign trade and economic and social development, should make individual and united efforts to bring about the following: a) 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 of the Organization, except when such barriers are applied in order to diversify the economic structure, to speed up the development of the less developed Member States, and intensify their process of economic integration, or when they are related to national security or to the needs of economic balance; b) Continuity in their economic and social development by means of: i. Improved conditions for trade in basic commodities through international agreements, where appropriate; orderly marketing procedures that avoid the disruption of markets, and other measures designed to promote the expansion of markets and to obtain dependable incomes for producers, adequate and dependable supplies for consumers, and stable prices that are both remunerative to producers and fair to consumers; ii. Improved international financial cooperation and the adoption of other means for lessening the adverse impact of sharp fluctuations in export earnings experienced by the countries exporting basic commodities; iii. Diversification of exports and expansion of export opportunities for manufactured and semimanufactured products from the developing countries, and iv. Conditions conducive to increasing the real export earnings of the Member States, particularly the developing countries of the region, and to increasing their participation in international trade. Article 45

The Member States will give primary importance within their development plans to the encouragement of education, science, technology, and culture, oriented toward the overall improvement of the individual, and as a foundation for democracy, social justice and progress. Article 46

The Member States will cooperate with one another to meet their educational needs, to promote scientific research, and to encourage technological progress for their integral development. They will consider themselves individually and jointly bound to preserve and enrich the cultural heritage of the American peoples. Article 49

The Member States will develop science and technology through educational, research,



and technological development activities and information and dissemination programs. They will stimulate activities in the field of technology for the purpose of adapting it to the needs of their integral development. They will organize their cooperation in these fields efficiently and will substantially increase exchange of knowledge, in accordance with national objectives and laws and with treaties in force. Article 52

The General Assembly is the supreme organ of the Organization of American States. It has as its principal powers, in addition to such others as are assigned to it by the Charter, the following: a) To decide the general action and policy of the Organization, determine the structure and functions of its organs, and consider any matter relating to friendly relations among the American States; b) To establish measures for coordinating the activities of the organs, agencies, and entities of the Organization among themselves, and such activities with those of the other institutions of the inter-American system; c) To strengthen and coordinate cooperation with the United Nations and its specialized agencies; d) To promote collaboration, especially in the economic, social, and cultural fields, with other international organizations whose purposes are similar to those of the Organization of American States; e) To approve the program-budget of the Organization and determine the quotas of the Member States; f) To consider the reports of the Meeting of Consultation of Ministers of Foreign Affairs and the observations and recommendations presented by the Permanent Council with regard to the reports that should be presented by the other organs and entities, in accordance with the provisions of paragraph f) of Article 91, as well as the reports of any organ which may be required by the General Assembly itself; g) To adopt general standards to govern the operations of the General Secretariat; and h) To adopt its own rules of procedure and, by a two-thirds vote, its agenda.

The General Assembly shall exercise its powers in accordance with the provisions of the Charter and of other Inter-American treaties. Article 63

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. Article 81

The Permanent Council shall serve provisionally as the Organ of Consultation in conformity with the provisions of the special treaty on the subject. Article 90

In performing their functions with respect to the peaceful settlement of disputes, the Permanent Council and the respective ad hoc committee 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. Article 91

The Permanent Council shall also: a) 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; b) Watch over the observance of the standards governing the operation 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 administrative functions; c) Act as the Preparatory Committee of the General Assembly, in accordance with the terms of Article 58 of the Charter, unless the General Assembly should decide otherwise; d) 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. These draft agreements shall be submitted to the General Assembly for approval; e) Submit recommendations to the General Assembly with regard to the functioning of the Organization and the coordination of its subsidiary organs, agencies, and committees; f) Consider the reports of the other Councils, of the Inter-American Juridical Committee, of the Inter-American Commission on Human Rights, of the General Secretariat, of specialized agencies and conferences, and of other bodies and agencies, and present to the General Assembly any observations and recommendations it deems necessary; and g) Perform the other functions assigned to it in the Charter.

Article 107

The Inter-American Juridical Committee shall be composed of eleven jurists, nationals of Member States, elected by the General Assembly for a period of four years from panels of three candidates presented by Member States. In the election, a system shall be used that takes into account partial replacement of membership and, insofar as possible, equitable geographic representation. No two members of the Committee may be nationals of the same State.

Vacancies that occur for reasons other than normal expiration of the terms of office of the members of the Committee shall be filled by the Permanent Council of the Organization in accordance with the criteria set forth in the preceding paragraph.

Article 116

The Secretary General, or his representative, may participate with voice but without vote in all meetings of the Organization.

The Secretary General 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 authority to which the preceding paragraph refers shall be exercised in accordance with the present Charter. Article 127

The seat of the General Secretariat is the city of Washington, D.C.

ARTICLE III

The following articles are deleted from the Charter of the Organization of American States: 30, 31, 32, 33, 83, 84, 85, 86, 87 and 88.

ARTICLE IV

The following new articles are added to the Charter of the Organization of American States, as numbered below: Article 8

Membership in the Organization shall be confined to independent states of the hemisphere that were members of the United Nations as of December 10, 1985, and the nonautonomous territories mentioned in document OEA/Ser.P, AG/doc.1939/85, of November 5, 1985, when they become independent. Article 30

Inter-American cooperation for integral development is the common and joint responsibility of the Member States, within the framework of the democratic principles and the institutions of the Inter-American system. It should include the economic, social, educational, cultural, and scientific and technological fields, support the achievement of national objectives of the Member States, and respect the priorities



established by each country in its development plans, without political ties or conditions. Article 31

Inter-American cooperation for integral development should be continuous and preferably channeled through multilateral organizations, without prejudice to bilateral cooperation between Member States.

The Member States shall contribute to Inter-American cooperation for integral development in accordance with their resources and capabilities and in conformity with their laws. Article 32

Development is a primary responsibility of each country and should constitute an integral and continuous process for the establishment of a more just economic and social order that will make possible and contribute to the fulfillment of the individual.

Article 33

The Member States agree that equality of opportunity, equitable distribution of wealth and income and the full participation of their peoples in decisions relating to their own development are, among others, basic objectives of integral development. To achieve them, they likewise agree to devote their utmost efforts to accomplishing the following basic goals: a) Substantial and self-sustained increase of per capita national product; b) Equitable distribution of national income; c) Adequate and equitable systems of taxation; d) Modernization of rural life and reforms leading to equitable and efficient land tenure systems, increased agricultural productivity, expanded use of land, diversification of production and improved processing and marketing systems for agricultural products; and the strengthening and expansion of the means to attain these ends; e) Accelerated and diversified industrialization, especially of capital and intermediate goods; f) Stability of domestic price levels, compatible with sustained economic development and the attainment of social justice; g) Fair wages, employment opportunities, and acceptable working conditions for all; h) Rapid eradication of illiteracy and expansion of educational opportunities for all; i) Protection of man's potential through the extension and application of modern medical science; j) Proper nutrition, especially through the acceleration of national efforts to increase the production and availability of food; k) Adequate housing for all sectors of the population; l) Urban conditions that offer the opportunity for a healthful, productive and full life; m) Promotion of private initiative and investment in harmony with action in the public sector, and n) Expansion and diversification of exports.

Article 35

Transnational enterprises and foreign private investment shall be subject to the legislation of the host countries and to the jurisdiction of their competent courts and to the international treaties and agreements to which said countries are parties, and should conform to the development policies of the recipient countries. Article 84

In accordance with the provisions of this Charter, any party to a dispute in which none of the peaceful procedures provided for in the Charter is under way may resort to the Permanent Council to obtain its good offices. The Council, following the provisions of the preceding article, shall assist the parties and recommend the procedures it considers suitable for peaceful settlement of the dispute. Article 85

In the exercise of its functions and with the consent of the parties to the dispute, the Permanent Council may establish ad hoc committees. The ad hoc committees shall have the membership and the mandate that the Permanent Council agrees upon in



each individual case, with the consent of the parties to the dispute. Article 86

The Permanent Council may also, by such means as it deems advisable, investigate the facts in the dispute, and may do so in the territory of any of the parties, with the consent of the Government concerned. Article 87

If the procedure for peaceful settlement of disputes recommended by the Permanent Council or suggested by the pertinent ad hoc committee under the terms of its mandate is not accepted by one of the parties, or one of the parties declares that the procedure has not settled the dispute, the Permanent Council shall so inform the General Assembly, without prejudice to its taking steps to secure agreement between the parties or to restore relations between them. Article 143

Within the provisions of this Charter, the competent organs shall endeavor to obtain greater collaboration from countries not members of the Organization in the area of cooperation for development.

#### ARTICLE V

Chapters VII, VIII and IX of the Charter of the Organization of American States are consolidated into a single Chapter VII entitled "Integral Development."

Therefore the remaining chapters of the Charter will be renumbered at the time the consolidated text thereof referred to in Article X of this Protocol is prepared.

#### ARTICLE VI

The following articles of the Charter of the Organization of American States shall be renumbered as follows:

- 8 becomes 151 (transitory provision)
- 50 becomes 51
- 35 becomes 36
- 51 becomes 52
- 36 becomes 37
- 52 becomes 53
- 37 becomes 38
- 53 becomes 54
- 38 becomes 39
- 54 becomes 55
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102 becomes 101



138 becomes 137

103 becomes 102

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104 becomes 103

140 becomes 139

105 becomes 104

41 becomes 140

106 becomes 105

142 becomes 141

107 becomes 106

143 becomes 142

#### ARTICLE VII

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

#### ARTICLE VIII

The present Protocol shall be open for signature and ratification by other American States that, in accordance with their respective constitutional procedures, have signed and ratified the Charter of the Organization of American States, dated April 30, 1948, and the Protocol of Buenos Aires, dated February 27, 1967, which introduced amendments thereto.

#### ARTICLE IX

The present Protocol shall enter into force when two thirds of the present Member States of the Organization of American States have deposited their instruments of ratification. At the time this requirement is met, it shall also enter into effect for those States not presently members of the Organization that have become members and have deposited their instruments of ratification of this Protocol. This Protocol shall enter into effect for the remaining States on the date on which they deposit their respective instruments of ratification.

#### ARTICLE X

When the present Protocol enters into force, the General Secretariat shall prepare a consolidated text of the Charter of the Organization of American States that shall include the provisions of that Charter that have not been amended, the amendments in force as introduced by the Protocol of Buenos Aires, and the amendments introduced by the present Protocol. This consolidated text shall be published upon approval by the Permanent Council of the Organization.

#### ARTICLE XI



The present Protocol shall be registered with the Secretariat of the United Nations through the General Secretariat of the Organization of American States. IN WITNESS WHEREOF, the undersigned Plenipotentiaries, whose powers have been found to be in due and proper form, sign the present Protocol, which shall be called "Protocol of Cartagena de Indias," in the city of Cartagena de Indias, Colombia, on the fifth day of December of the year one thousand nine hundred eighty-five.

