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Lecture-38



The Organization of American States

The Organization of American States is an important forum for regional diplomacy and has become more assertive in promoting the rule of law, human rights, and fair elections as some states face domestic upheaval.

A woman holds a Venezuelan national flag reading 'OAS don't leave us alone in the fight' during a march towards the OAS headquarters in Caracas in 2017 after the 47th OAS General Assembly. AFP/Federico Parra

The Organization of American States (OAS) is a multilateral regional body focused on human rights, electoral oversight, social and economic development, and security in the Western Hemisphere. While the organization is recognized by many foreign policy experts as an important forum for regional diplomacy, critics say ideological divisions among its members have hampered its efforts to promote democratic principles. The OAS has come under renewed focus in recent years for its criticism of Venezuelan President Nicolas Maduro and its role in Bolivian President Evo Morales's resignation.

When was the OAS created?

The United States and twenty other governments in the Western Hemisphere signed the OAS charter in 1948 to increase regional security and commercial cooperation. Additionally, the United States hoped the new organization would serve as a bulwark against the spread of communism. Member states pledged to strengthen regional peace and security, promote representative democracy, and encourage economic and social cooperation. The OAS emerged a year after member states signed the Inter-American Treaty of Reciprocal Assistance, known as the Rio Treaty, which established a defensive military alliance in the region. Since then, its

The OAS is headquartered in Washington, DC, and has more than seven hundred employees throughout the region. It convenes a Summit of the Americas every two to four years, during which national leaders discuss multilateral initiatives and work to reinforce diplomatic ties. The most recent summit took place in April 2018 in Lima, Peru, where OAS members addressed the theme “democratic governance against corruption” against the backdrop of Venezuela's volatile political situation and Peruvian President Pedro Pablo Kuczynski's resignation in connection with Brazilian graft investigations. Donald J. Trump canceled plans to attend the summit, making it the first to be held without a sitting U.S. president. Nonetheless, his administration said the United States would bid to host the 2021 summit.

Our History

Although some scholars trace the antecedents of the inter-American system back to the Congress of Panama convened by Simón Bolívar in 1826, the fact is that it was only in 1889 that the American States decided to meet periodically and to forge a shared

system of norms and institutions. There were, in the meantime, conferences and meetings that attempted to give birth to the system, but it was only at the invitation of the Government of the United States that the process began that was to continue uninterrupted until this day. The First International Conference of American States was held in Washington, D.C., October 1889 to April 1890 “ for the purpose of discussing and recommending for adoption to their respective Governments some plan of arbitration for the settlement of disagreements and disputes that may hereafter arise between them, and for considering questions relating to the improvement of business intercourse and means of direct communication between said countries, and to encourage such reciprocal commercial relations as will be beneficial to all and secure more extensive markets for the products of each of said countries.”

Eighteen American States took part in that Conference, in which it was agreed to constitute the "International Union of American Republics for the prompt collection and distribution of commercial information," with its headquarters in Washington. Later it was to become the “Pan American Union” and, eventually, as its functions expanded, today’s General Secretariat of the OAS. With respect to legal matters, the Conference recommended adopting provisions to govern extradition; it declared that conquest does not create rights; and it produced guidelines for the drafting of a treaty on arbitration that could avoid recourse to war as a means to resolve controversies among American nations. This Conference laid the foundations of what would later become the inter-American system: commercial concerns directed toward achieving greater integration; legal concerns with strengthening state and private sector ties in a peaceful environment of regional cooperation and security; and the establishment of specialized institutions in different spheres.

The Conferences of American States met at varying intervals until, in 1970, they were replaced by the sessions of the OAS General Assembly, once the Protocol of Amendment to the Charter of the Organization of American States, adopted in Buenos Aires, had entered into force. 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. Throughout this period, numerous agreements were adopted that established the basic principles of what would later become the Organization of American States. For instance, in 1923, the Fifth International Conference of American States (Santiago, Chile) adopted the Treaty to Avoid or Prevent Conflicts Between American States (Gondra Treaty), and in 1933, the Seventh International Conference of American States (Montevideo, Uruguay) adopted the Convention on the Rights and Duties of States, which 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.”

Several private international law conventions were also adopted in the early decades of the inter-American system; notably, the Convention on Private International Law, adopted at the Sixth International Conference of American States in Havana, Cuba, and its Annex: the Bustamante Code of Private International Law. Although that Convention received few ratifications and, in particular, was not followed by the southern countries of South America, which preferred the provisions of the Montevideo Treaties on Private International Law of 1889 and 1939, it was an important step on the way to codification and progressive development of private international law.

In addition to the Pan American Union, a set of institutions were gradually established to facilitate cooperation in specific areas. Over the years, and with varying names, the following institutions were formed and embarked on important tasks: the Pan American Health Organization (1902), which later also 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), which were then followed, after the OAS had been established, by the Inter-American Development Bank, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the Inter-American Drug Abuse Control Commission, the Inter-American Telecommunication Commission, the Inter-American Committee on Ports, the Justice Studies Center of the Americas, and others. An Inter-American Court of Justice was proposed back in 1923 but has never materialized, even though there was a precedent in the form of the Central American Court of Justice, which functioned from 1907 to 1918. Thus a whole network of regional international institutions was established to strengthen cooperation among American States on the wide range of subjects on the regional agenda.

The Ninth International Conference of American States, meeting in Bogotá, Colombia, in 1948, with the participation of 21 States, adopted the Charter of the Organization of American States, the American Treaty on Pacific Settlement (“Pact of Bogotá”), and the American Declaration on the Rights and Duties of Man. The same Conference also adopted the Economic Agreement of Bogotá, which sought to advance economic cooperation among the American States. However, it never entered into force.

Like the OAS Charter itself, the “Pact of Bogotá” obliges the High Contracting Parties to settle controversies between American States by peaceful means and lists the procedures to be followed: mediation, investigation and conciliation, good offices, arbitration, and, failing that, recourse to the International Court of Justice of The Hague, which meant that some controversies were in fact brought before that Court. The American Declaration on the Rights and Duties of Man, adopted months earlier than the

Universal Declaration, underscored the region's commitment to international protection of human rights and paved the way for the subsequent adoption of the American Convention on Human Rights ("Pact of San José," Costa Rica), which was adopted in 1969 and entered into force in 1978.

The Charter of the Organization of American States was the result of a long process of negotiation that began in 1945. Numerous names were originally proposed for the new institution: "Union," "Regional Community," or "Organization," and, after the last of these had been chosen, there was discussion of whether to use "States," "Nations," or "Republics." The word "Republics" was not chosen in order not to exclude other forms of government that might exist in the region, and "Nations" was ruled out as being more cultural or sociological than legal. So that left the name we know today: "Organization of American States."

Also established was the new Organization's relationship to the universal system (United Nations) established three years earlier. Article 1 of the Charter states that: "Within the United Nations, the Organization of American States is a regional agency," pursuant to the provisions of Chapter VIII (Regional Arrangements) of the Charter of the United Nations, and as such it has participated in activities related to peace and security in the region, especially and most recently at various moments in the history of Haiti, when the two organizations undertook joint missions.

The 1948 Charter has been modified, via Protocols of Amendment, on four occasions: Buenos Aires, 1967; Cartagena de Indias, 1985; Washington, 1992, and Managua, 1993.

Although they are not provided for in the Charter, since 1994 there have been politically very important Summits of the Heads of State and of Government of the Americas, which issue decisions and recommendations, generally in the form of a Declaration and Plan of Action, regarding objectives to be met by the organizations of the inter-American system and, especially, the OAS.

The OAS also acts as the secretariat for various ministerial meetings; in particular, for meetings of Ministers of Justice, Ministers of Labour, Ministers of Science and Technology, and Ministers of Education of the Americas.

The OAS came into being in 1948 with the signing in Bogotá, Colombia, of the Charter of the OAS, which entered into force in December 1951. It 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 in January 1996; and by the Protocol of Washington, signed in 1992, which entered into force in September 1997.

The Organization was established in order to achieve among its member states—as stipulated in Article 1 of the Charter—"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."

Today, the OAS brings together all 35 independent states of the Americas and constitutes the main political, juridical, and social governmental forum in the Hemisphere. In addition, it has granted permanent observer status to 69 states, as well as to the European Union (EU).

The Organization uses a four-pronged approach to effectively implement its essential purposes, based on its main pillars: democracy, human rights, security, and development.

MCQ

1. The Cooperative movement in India was initiated in which of the following sector?

- a) Farming
- b) Agricultural credit
- c) Consumer goods production
- d) Marketing of agricultural products

2. Which of the following was not an objective of the Industrial Policy of 1956?

- a) Expanding the Public sector
- b) Developing machine-making industries
- c) Accelerating rate of growth and industrialization
- d) Making the country self-reliant in the production of defence goods

3. Which one of the following groups of commodities is not included in the Wholesale Price Index?

- a) Primary articles
- b) Fuel, power, light and lubricants
- c) Manufacturing products
- d) Food articles and industrial products

4. Which of the following items are kept under Public Account of India?

- a) Loans raised by the government
- b) All revenue received by the Government
- c) Funds placed at the disposal of the President
- d) Transactions relating to Provident fund, small savings etc.

5. Taxation and Government's expenditure are dealt under the:

- a) Trade policy
- b) Fiscal policy
- c) Monetary policy
- d) None of the above