

NOTE TO PRESS OFFICERS

OAS AND THE RIO TREATY

Argentina has requested the holding of a special meeting of the OAS Permanent Council today at 10.30 am Washington time. The request cites Articles 12 and 6 of the Treaty. Copies of the relevant extracts are attached. Also attached are a background paper on the OAS and copies of ~~relevant~~ <sup>other useful</sup> extracts from the OAS Charter and the Rio Treaty.

Line to take

It is natural that the OAS should meet in present circumstances. We should draw attention to the resolution adopted by the Organisation on 13 April (copy attached) and to Mr Pym's message (Press Release No 62). We should also make the following points:

1. Member states of the Rio Treaty cannot be obliged to take military action on behalf of another member state (Article 20). In fact, the Contracting Parties condemn war and undertake not to resort to the threat or use of force in any manner inconsistent with the provisions of the UN Charter (Article 1).
2. The OAS itself is a regional agency within the United Nations. ~~Military~~ <sup>Mandatory</sup> resolutions of the UN Security Council (ie SCR 502) therefore take precedence over OAS resolutions (see Article 137).

PM

20 April 1982

# ORGANISATION OF AMERICAN STATES (OAS)

[Organización de Estados Americanos (OEA)]

## Background

1. The OAS is the modern successor to a variety of Pan-American organisations which evolved during the first half of the present century. The organisation was given permanent legal structure by the Charter of Bogota' (30 April 1948) which entered into force in December 1951 upon ratification by 14 signatory states. Following a major revision of the OAS Charter in 1970, the OAS General Assembly replaced the Inter-American Conferences (held every five years) as the supreme organ of the organisation, and the Executive Council was superseded by three parallel bodies: the Permanent Council, the Inter-American Social and Economic Council, and the Inter-American Council for Education, Science and Culture. In 1972 a Special Commission for the Reorganisation of the Inter-American System was established at Lima. The Commission's report was presented at the 1975 General Assembly. A new draft OAS Charter has been under discussion in 1976-77.
2. The OAS is a regional agency within the United Nations, where it has observer status. The OAS Inter-American Specialized Organisations may perform the functions of UN agencies without losing their status as integral parts of the OAS. The OAS maintains relations with OECD and other international organisations.
3. The Inter-American Treaty of Reciprocal Assistance (the "Rio Treaty") is a cornerstone of the inter-American system. The Treaty had its origin in the Inter-American Conference on Problems of War and Peace, which met in Mexico City in March 1945. The resulting Act of Chapultepec (1945) recommended the conclusion of a treaty "to prevent and repel threats and acts of aggression against any of the countries of America". The Rio Treaty itself was drawn up in Brazil and signed in Rio de Janeiro on 2 September 1947.
4. The United States views the Treaty as a peace-keeping instrument and stabilizing force within the hemisphere. The smaller states in the hemisphere regard the Treaty as an important instrument for their protection. As the result of the Protocol of Amendment to the Rio Treaty (the "San José Protocol", signed on 29 July 1975 (still to be ratified)), a new voting procedure permitted a majority vote (previously a two-thirds vote) on the rescindment of the measures (ie "sanctions") described in Article 8 of the original Rio Treaty. A separate resolution passed at San José gave members the freedom to normalize their relations with Cuba. The San José resolution regularized, ex post facto, the unilateral actions of several parties to the Rio Treaty such as Peru, Argentina, Panama, Venezuela and Colombia, in resuming direct relations with Cuba.
5. According to the revised treaty the contracting parties are not obliged to come to the aid of a state that is not a party (unlike the 1947 Treaty). This change is significant in view of the increasing number of American states that are not parties to the Treaty: Bahamas, Barbados, Canada, Grenada, Guyana and Jamaica. However these states are not entirely ignored in the new Treaty. If they are victims of aggression (as defined by the Treaty) or of a conflict that might endanger the

of the hemisphere, "the organ of consultation shall meet immediately to agree measures and steps that should be taken for the common defence and unity of the hemisphere". The new definition of aggression incorporated in the 1948 Protocol mentions a number of specific acts of aggression such as invasion, bombardment, blockade and the activities of mercenaries and provides that the acts of consultation may determine that other cases "equivalent in nature and circumstances" constitute aggression.

Functions

OAS aims to strengthen the peace and security of the American hemisphere, to ensure peaceful settlement of disputes, to provide for common action in the event of aggression, to seek to solve political, juridical and economic problems among member states and to promote, through cooperative action, their economic, social and cultural development.

The OAS General Assembly meets annually.

The Meeting of Consultation of the Ministers of Foreign Affairs, meets on an ad hoc basis at the request of any member. It is obliged to meet without delay in the case of armed attack against the territory of a member state.

The Councils:

- a) The Permanent Council comprises one representative of each member state. Assisted by the Inter-American Committee on Peaceful Settlement, this Council is entrusted to "keep vigilance over the maintenance of friendly relations among the member states".
- b) The Inter-American Economic and Social Council (IA-ECOSOC) coordinates all economic and social development functions as laid down in the OAS Charter. It meets at least once a year at ministerial level. Its Permanent Executive Committee comprises a Chairman and seven representatives from member countries.
- c) The Inter-American Council for Education, Science and Culture comprises one representative from each member country. Its Permanent Executive Committee comprises a Chairman and seven representatives from member countries. A proposal to move the seat of the Council from Washington to a Latin American capital (Quito has been suggested) is under discussion.

4. The Inter-American Juridical Committee comprises eleven jurists elected by the General Assembly for a 4-year term from candidates presented by member countries. The IAJC undertakes "such studies as are assigned to it by the Inter-American Council of Jurists" and is also empowered to initiate its own projects. The Committee has done important work on the question of recognition of de facto regimes in Latin America and on subjects such as extradition, intervention, reservations to treaties, human rights and the codification of international law. The IAJC has its seat at Rio de Janeiro.
5. The Inter-American Commission on Human Rights comprises seven members elected by the OAS Permanent Council for a 4-year term. It meets annually for a maximum of eight weeks. According to its Statute, the IACHR may make recommendations to governments, prepare studies and reports, examine communications submitted to it and survey the observance of certain rights in particular. A recent example of the Commission's work is the report presented to the 1976 OAS General Assembly on the human rights situation in Chile.
6. The General Secretariat (formerly known as the Pan American Union) is the central and permanent organ of the OAS; the Secretary General (Dr Alejandro Orfila, 1975-80) is elected by the General Assembly for a 5-year term. He may not be succeeded by a person of the same nationality.
7. The Specialized Inter-American Conferences are inter-governmental meetings dealing with particular technical matters.
8. The Specialized Organizations (eg the Pan American Health Organization, the Inter-American Indian Institute) have full technical autonomy but take account of the recommendations of the OAS General Assembly.

#### Relations with the UN

(i) The OAS Charter specifically claims the status of a regional organisation within the United Nations. Referring to the peacekeeping role of the OAS, the Charter (Art. 20) lays down that "All international disputes that may arise between American States shall be submitted to the peaceful procedures set forth in this Charter before being referred to the Security Council of the United Nations."

(ii) The OAS Secretary-General is entitled to attend the UN General Assembly as an Observer (UN Resolution 253 (111), 16 October 1948). Conversely, the UN has Observer Status at all OAS Inter-American conferences and meetings of consultation (Resolution of 9th Inter-American Conference, Bogota, 1948).

(iii) Although there is no formal political collaboration between the OAS and the UN, organs of the OAS have occasionally adopted texts in support of UN actions (eg the Suez and Hungarian questions in 1956, the resumption of nuclear tests by the USSR in 1961). The OAS has also addressed the UN Secretary General

... time to time (in accordance with Article 54 of the UN Charter) reporting on  
... decisions or informing him of developments within the region (eg reports on the  
... Honduras/El Salvador dispute; reports by the Inter-American Commission on Human  
... rights etc.). The composition of the Latin American Group at the UN, which meets  
... regularly and concert action on major issues, is not identical with that of the OAS.  
... OAS includes one non-member of the OAS (Guyana).

Means of Financial Support

The General Assembly establishes the bases for assessing contributions by member  
governments to the OAS. Decisions on budgetary matters require a two-thirds vote.

Headquarters

Secretary General/Permanent Council, Pan American Union, Washington DC.  
European Office: 44 Rue de Lausanne, Geneva.

Membership

- |            |                    |           |
|------------|--------------------|-----------|
| Argentina  | Cuba               | Honduras  |
| Bolivia    | Dominican Republic | Mexico    |
| Brazil     | Ecuador            | Nicaragua |
| Chile      | El Salvador        | Panama    |
| Colombia   | Guatemala          | Paraguay  |
| Costa Rica | Haiti              | Peru      |
|            |                    | Uruguay   |
|            |                    | Venezuela |

United States

- Barbados
- Bahamas
- Belize
- Bonaire and Tobago

Permanent observers to the OAS

- Belgium
- Canada
- France
- Guyana
- Israel
- Italy
- Japan
- Netherlands
- Spain
- United Nations

OAS

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TELEGRAM NUMBER 1267 OF 13 APRIL  
INFO UKMIS NEW YORK, NASSAU, BRIDGETOWN, LA PAZ, BRASILIA,  
SANTIAGO, BOGOTA, SAN JOSE, QUITO, KINGSTON, SANTO DOMINGO,  
TEGUCIGALPA, MEXICO CITY, PANAMA CITY, ASUNCION, LIMA, PORT OF SPAIN,  
MONTEVIDEO, BELMOPAN, GEORGETOWN, CASTRIES

MIPTS: FALKLANDS/OAS

1. TEXT OF RESOLUTION ADOPTED BY OAS ON 13 APRIL:

WHEREAS:

THE DISPUTE BETWEEN THE REPUBLIC OF ARGENTINA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND IN RELATION TO THE MALVINAS (FALKLAND) ISLANDS IS ENDANGERING THE PEACE OF THE HEMISPHERE.

AMONG THE FUNDAMENTAL PRINCIPLES AND PURPOSES ESTABLISHED IN THE CHARTER OF THE ORGANIZATION OF AMERICAN STATES THERE ARE THOSE OF STRENGTHENING THE PEACE AND SECURITY OF THE CONTINENT, PREVENTING POSSIBLE CAUSES OF DIFFICULTIES AND ENSURING THE PEACEFUL SETTLEMENT OF DISPUTES,

THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES RESOLVES:

1. TO EXPRESS ITS PROFOUND CONCERN OVER THE SERIOUS SITUATION THAT THE REPUBLIC OF ARGENTINA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND NOW FACE.

2. TO EXPRESS ITS FERVENT HOPE THAT A RAPID, PEACEFUL SOLUTION CAN BE FOUND TO THE DISAGREEMENT BETWEEN THE TWO NATIONS WITHIN THE CONTEXT OF THE RULES OF INTERNATIONAL LAW.

3. TO OFFER ITS FRIENDLY COOPERATION IN THE PEACE EFFORTS ALREADY UNDER WAY, IN THE HOPE OF CONTRIBUTING IN THIS WAY TO A PEACEFUL SETTLEMENT OF THE DISPUTE THAT WILL AVERT ONCE AND FOR ALL THE DANGER OF WAR BETWEEN COUNTRIES THAT DESERVE THE RESPECT OF THE INTERNATIONAL COMMUNITY.

HENDERSON

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CABINET OFFICE

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