

Protocol of Substitution of the Simón Rodríguez Convention

The Governments of the Republics of Bolivia, Colombia, Ecuador, Peru and Venezuela;

Convinced of the need to promote political coordination in social and labor affairs, which will be fundamental to the operation of the Andean Common Market and the Subregional Social Agenda, in accordance with the directions issued by the Andean Council of Presidents;

Inspired by the desire to orient these social and labor affairs in a framework of coordinated subregional action, while promoting, at the same time, the active participation of the Andean entrepreneurial and labor markets in this effort;

Intent on establishing an institutional basis that will facilitate effective contributions to the development of these social and labor affairs in the context of the Andean System of Integration;

Recognizing the importance of the figure of the illustrious humanist Simón Rodríguez, master of the *Libertador* Simón Bolívar, after whom this Convention is named;

Have resolved to substitute the text of the Simón Rodríguez Convention as follows:

CHAPTER I

Definition

Article 1.- The Simón Rodríguez Convention is the Forum for Debate, Participation and Coordination regarding social and labor issues in the Andean Community, and forms part of the Andean System of Integration.

CHAPTER II

Objectives

Article 2.- The Simón Rodríguez Convention has the following objectives:

a. To put forward, and debate on, proposals on topics linked with the social and labor environment, which may signify an effective contribution to the development of the Subregion's Social Agenda, contributing to the activity of the other organs of the Andean System of Integration.

b. To define and coordinate community policies on promotion of employment, vocational and labor training, health and safety in the work place, social security, labor-related migration; as well as any other topics that the Member Countries may deem fit; and

c. To propose and design activities for cooperation and coordination among the Member Countries on Andean social and labor issues.

CHAPTER III

Organs

Article 3.- The Simón Rodríguez Convention is made up of:

- a. The Conference;
- b. The Specialized Work Committees; and
- c. The Technical Secretariat

Article 4.- The Conference is the Convention's highest authority and its medium of expression is the Recommendation adopted by consensus. This Conference is made up of:

- a. The Ministers of Labor of the Member Countries of the Andean Community, or their representatives;
- b. The Coordinators of the National Chapters of the Andean Entrepreneurial Advisory Committee.
- c. The Coordinators of the National Chapters of the Andean Labor Advisory Committee.

Article 5.- The Conference shall be chaired by the Minister of Labor of the country holding the Presidency of the Andean Presidential Council.

Article 6.- The Conference has the following functions:

- a. To adopt Recommendations conducive to meeting the objectives indicated in this Convention;
- b. To assess the operation of the Convention;
- c. To study and propose modifications to the Convention;
- d. To approve or modify its own Regulations and those of the Specialized Labor Committees;
- e. To approve the Convention's Annual Program of activities;
- f. To review, and propose on an annual basis, the budget for the functioning of the Convention and submit it to the Andean Council of Foreign Ministers, which will then proceed to consider and approve it.
- g. To set up the Specialized Labor Committees and assess their reports;
- h. To identify the social and labor topics of the Subregional Social Agenda that could be dealt with by international cooperation; and

i. To deal with all other affairs referring to its areas of competence.
The Conference will act by consensus to comply with the above-mentioned functions.

Article 7.- The Conference will hold Regular Meetings at least once and year and Special Meetings whenever necessary, according to the procedure laid down in the Conference Regulations. The Regular and Special Meetings will be convened by the Technical Secretariat at the request of the Presidency of the Conference, and they will meet preferably at the headquarters office of said Secretariat.

Article 8.- The Recommendations adopted, and requested, by the Conference will be incorporated into Andean Community legislation, and submitted to the Andean Council of Foreign Ministers, by the General Secretariat of the Andean Community, for an assessment of the adoption of the respective Decisions. The Regulations will specify the quorum and other requisites to be observed by the Conference for adoption of the Recommendations.

Article 9.- The Specialized Labor Committees will be set up as decided by the Conference and will provide advice to the Convention. These will be tripartite committees, having representatives designated by the Ministries of Labor and by the Andean Entrepreneurial and Labor Advisory Councils, following the procedure set down in the Regulations of said Committees. Each Specialized Labor Committee will designate a Coordinator and hold meetings as and when indicated by the Conference.

Article 10.- The Specialized Labor Committees may invite international organizations and organizations and institutions of civil society associated with the topics under analysis, to take part in their debates without voting power. The Regulations of the Specialized Committees will determine the terms and modes of any broader participation of such institutions.

Article 11.- The Specialized Labor Committees have the following functions:

- a. To prepare the documents and reports requested by the Conference;
- b. To conduct their work meetings following the procedure set down in their Regulations;
- c. To submit reports periodically to the Conference on the progress of their activities; and
- d. To perform any other activities and studies that the Conference may assign to them.

Article 12.- The Technical Secretariat is the organ for coordination and support to the Simón Rodríguez Convention. Its functions are:

- a. To support the Conference in drawing up the proposals for Recommendations conducive to meeting the objectives indicated in this Convention;
- b. To support the Conference in assessing the operation of the Convention;
- c. To attend to the matters assigned to it by the Conference and the Specialized Labor Committees, maintaining, for that purpose, permanent links with the Ministries of Labor and the Andean Entrepreneurial and Labor Advisory Councils;

d. To propose to the Conference the necessary measures for adequate compliance with the objectives of this Convention;

e. To draw up the draft budget, the annual program of activities of the Convention and the report of its execution, to submit to the consideration of the Conference;

f. To maintain a working relationship with international, regional, and subregional institutions, non-governmental organizations, and other countries, in order to enhance the relationships, cooperation and technical assistance;

g. To draw up, in coordination with the Conference and with the Specialized Labor Committees, the tentative agenda for their meetings and keep the corresponding minutes; and,

h. Any other functions assigned to them by the Conference.

Final Provisions

Article 13.- Each Member Country will ratify this Protocol of Substitution of the Simón Rodríguez Convention, as prescribed in its laws. The Protocol will come into force once all the Member Countries have made the deposit of the instrument of ratification.

The instruments of ratification will be deposited before the General Secretariat of the Andean Community, which will communicate the date of each deposit to the Governments of the Member Countries.

Article 14.- The Simón Rodríguez Convention, as a part of the Andean System of Integration, will remain in force indefinitely, and may not be terminated independently from the Cartagena Agreement. In the event of notice of termination, the Member Country involved must discharge any economic obligations it entered into that may be pending payment by said country in respect of the Convention.

Article 15.- This Protocol of Substitution of the Simón Rodríguez Convention may not be subscribed or ratified with reservations.

Article 16.- Once it comes into force, this Protocol of Substitution of the Simón Rodríguez Convention will be open to the adherence of any other country that may acquire the status of Associated Member Country of the Andean Community, bearing in mind the procedures duly indicated by the Andean Council of Foreign Ministers and the Commission of the Andean Community.

Article 17.- The text of the Simón Rodríguez Convention signed in 1973, and the text of its Protocol signed in 1976, are hereby substituted by the Protocol of Substitution.

Temporary Provisions

First: The General Secretariat of the Andean Community will assume the functions of the Technical Secretariat of the Simón Rodríguez Convention. The Conference may

submit to the consideration of the Andean Council of Foreign Ministers the suitability of establishing the permanent headquarters of the Convention in Quito, Ecuador.

While the terms of the preceding paragraph are maintained, The General Secretariat of the Andean Community will administer the Convention's resources. In this regard, the Chairman of the Conference will draw up an annual report on the Convention's budget execution, for submission to the Andean Council of Foreign Ministers. The General Secretariat of the Andean Community will report to the Conference, at each of its meetings, on the use of the Convention's resources.

Second: The General Secretariat of the Andean Community will submit draft Regulations of the Conference and of the Specialized Labor Committees at the first meeting held by the Conference, for its consideration.

In witness whereof, their Full Powers having been found sufficient and in good and proper form, the respective Ministers of Foreign Affairs sign the present instrument.

Signed in the city of Valencia, República Bolivariana de Venezuela, on the twenty-fourth day of June, in the year two thousand and one.

For the Government of Bolivia
Javier Murillo de la Rocha

For the Government of Colombia
Guillermo Fernández de Soto

For the Government of Ecuador
Heinz Moeller Freile

For the Government of Peru
Javier Pérez de Cuéllar

For the Government of Venezuela
Luis Alfonso Dávila García