

# **Tegucigalpa Protocol to the Charter of the Organization of Central American States (ODECA)**

The Presidents of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama:

## **WHEREAS:**

It is necessary to revise the legal framework of the Organization of Central American States (ODECA), adapting it to current realities and needs, in order to secure the effective attainments of Central American integration; and

Such adaptation must be geared towards the establishment and consolidation of the Central American Integration System, which will provide follow-up in respect of all decisions adopted at Meetings of Presidents and coordinate their implementation;

## **ACCORDINGLY:**

Decide to amend the Charter of the Organization of Central American States (ODECA), signed at Panama City, Republic of Panama, on 12 December 1962, by means of this Protocol. To that end, the constitutional Presidents of the above Republics agree on the following Central American Integration System:

## **NATURE, OBJECTIVES, PRINCIPLES AND ENDS**

### **Article 1**

Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama constitute an economic and political community which seeks to promote the integration of Central America. To that end, the Central American Integration System is hereby constituted, comprising the original Member States of ODECA, and Panama, which is joining as a Member State.

### **Article 2**

The Central American Integration System shall provide the institutional framework for the regional integration of Central America.

### **Article 3**

The fundamental objective of the Central American Integration System is to bring about the integration of Central America as a region of peace, freedom, democracy and development.

To that end, the following objectives are hereby reaffirmed:

(a) To Consolidate democracy and strengthen its institutions on the basis of the existence of Governments elected by universal and free suffrage with secret ballot, and of unrestricted respect for human rights;

(b) To define a new regional security model based on a reasonable balance of forces, the strengthening of civilian government, the elimination of

extreme poverty, the promotion of sustained development, protection of the environment, and the eradication of violence, corruption, terrorism, and trafficking in drugs and arms;

(c) To promote a comprehensive system of freedom that will ensure the full and harmonious development of the individual and of society as a whole;

(d) To achieve a regional system of well-being and economic and social justice for the peoples of Central America;

(e) To achieve an economic union and strengthen the financial system of Central America;

(f) To strengthen the region as an economic bloc to provide for its successful participation in the international economy;

(g) To reaffirm and consolidate Central America's self-determination in terms of its external relations by means of a unified strategy to strengthen and broaden participation by the region as a whole in the international sphere;

(h) To promote, in a harmonious and balanced manner, the sustained economic, social, cultural and political development of the Member States and of the region as a whole;

(i) To carry out concerted action to protect the environment through

(j) To respect for and harmony with nature, while ensuring balanced development and the rational exploitation of the natural resources of the area, with a view to establishing a new ecological order in the region;

establish the Central American Integration System on the basis of an institutional and legal order and mutual respect between Member States.

#### **Article 4**

In order to attain the above objectives, the Central American Integration system and its Members shall proceed in accordance with the following fundamental principles:

(a) The protection of, respect for and promotion of human rights shall constitute the fundamental basis of the Central American Integration System;

(b) Peace, democracy, development and freedom constitute a harmonious and indivisible whole which shall guide the acts of the States Members of the Central American Integration System;

(c) Central American identity as an active manifestation of regional interests and of the will to participate in consolidating the integration of the region;

(d) Central American solidarity as an expression of its profound interdependence, origins and common destiny;

(e) The phased, specific and progressive nature of the process of economic integration, based on harmonious and balanced regional development, with special treatment for relatively less developed Member States, and on equity and reciprocity, and the Central American Exception Clause;

(f) The comprehensive nature of the integration process and the democratic participation therein of every social sector;

(g) Legal certainty with respect to relations between the Member States and the peaceful settlement of their disputes;

(h) Good faith on the part of the Member States in the discharge of their obligations; Member States shall abstain from establishing, agreeing to or adopting any measure that contravenes the provisions of this instrument or that impedes compliance with the fundamental principles of the Central American Integration System or the attainment of its objectives;

(i) Respect for the principles and norms of the Charters of the United Nations and the Organization of American States (OAS) and the Declarations issued at the Meetings of Presidents of Central America since May 1986.

MEMBERS

#### **Article 5**

The Members of the Central American Integration System shall be those Central American States that fully accept the obligations set forth in this Charter by means of their approval or ratification thereof or accession hereto, and that implement this Charter in accordance with the provisions of article 36 hereof.

#### **Article 6**

Member States shall undertake to abstain from the adoption of any unilateral measure that may endanger the attainment of the objectives and compliance with the fundamental principles of the Central American Integration System.

#### **Article 7**

The Prior Consultation Procedure is hereby established as a permanent system between Member States for those cases in which no previous policy approach exists with regard to economic relations and cooperation between Central America and extraregional entities.

### **INSTITUTIONAL STRUCTURE**

#### **Article 8**

This Protocol amends the Central American institutional structure, previously regulated under the framework of ODECA, to which are hereby linked the organs and institutions which relate to integration, and which shall enjoy functional autonomy within the framework of the requisite overall intersectoral coordination to ensure the efficient implementation of and ongoing follow-up to decisions issued at the Meetings of Presidents.

The functioning of the institutional structure shall guarantee the balanced and harmonious development of the economic, social, cultural and political sectors.

## **Article 9**

The organs and institutions of the Central American Integration System shall be guided by the objectives and principles set forth in this Protocol and shall have regard to such objectives and principles in their decisions, studies and analyses as well as in the preparation of all meetings.

## **Article 10**

The organs and institutions of the Central American Integration System shall contribute to effective compliance with and implementation of the objectives and principles of this Protocol. This obligation shall take overriding precedence in all supplementary or subordinate legislation which shall guarantee in all cases that decisions shall be made public and that proceedings shall be open to those individuals concerned in accordance with the nature of each organ and institution and the matters in question.

## **Article 11**

The Central American Integration System shall ensure the efficiency and effectiveness of the functioning of its organs and institutions by ensuring unity and coherence in extraregional activities and in relations with third States, groups of States and international organizations.

## **ORGANS**

## **Article 12**

For the purposes of attaining the ends of the Central American Integration System, the following organs are hereby established:

- (a) The Meeting of Presidents;
- (b) The Council of Ministers;
- (c) The Executive Committee;
- (d) The General Secretariat.

The following shall constitute part of this System:

The Meeting of Vice—Presidents and Officials of the Office of the President of the Republic, which will act as an advisory and consultancy organ. The Meeting shall normally be held every six months and, exceptionally, at the request of the Vice—Presidents. Its decisions shall be adopted by consensus.

Without prejudice to the provisions of article 4 of the Transitional Provisions, the Central American Parliament shall act as an organ for exposition, analysis and recommendation; its functions and attributes shall be those provided for under its Constituent Treaty and Protocols currently in force.

The Central American Court of Justice, which shall guarantee respect for the law in the interpretation and implementation of this Protocol and its

supplementary instruments and acts pursuant to it. The integration, functioning and attributions of the Central American Court of Justice shall be regulated in the Statute of the Court, which shall be negotiated and signed by the Member States within 90 days of the entry into force of this Protocol.

The Consultative Committee shall comprise representatives of business, labour, the academic sector and other community leaders within Central America representing the economic, social and cultural sectors and committed to the endeavors to attain the integration of Central America.

The role of the Committee shall be to advise the General Secretariat with regard to the Organizations policies in the development of the programmes being executed.

## **MEETING OF PRESIDENTS**

### **Article 13**

The Meeting of Presidents shall be the supreme organ of the Central American Integration System.

### **Article 14**

The Meeting of Presidents shall consist of the constitutional Presidents of the Member States and shall meet in ordinary session every six months and in extraordinary session by decision of the Presidents. Its decisions shall be adopted by consensus. The country hosting the Meeting of Presidents shall speak on behalf of Central America during the six months following the holding of the Meeting.

### **Article 15**

The Meeting of Presidents shall be seized of regional questions on which it is required to take decisions, with regard to democracy, development, freedom, peace and security.

The Meeting of Presidents shall be required in particular to:

(a) Define and direct Central American policy by establishing guidelines for the integration of the region, as well as the provisions necessary to ensure the coordination and harmonization of the activities of the bodies and institutions of the region, and the verification, monitoring and follow-up of its mandates and decisions;

(b) Harmonize the foreign policies of its States;

(c) Strengthen regional identity as part of the ongoing process of consolidating a united Central America;

(d) Approve, where appropriate, amendments to this Protocol submitted pursuant to article 37 thereof;

(e) Ensure fulfilment of the obligations contained in the present Protocol and in the other agreements, conventions and protocols which constitute the legal order of the Central American Integration System;

(f) Decide on the admission of new members to the Central American Integration System.

## **COUNCIL OF MINISTERS**

### **Article 16**

The Council of Ministers shall be composed of the ministers holding the relevant portfolios, or exceptionally, duly authorized vice-ministers. The competent minister of the Member State speaking on behalf of Central America pursuant to article 14 of this Protocol shall act as President of the respective Council of Ministers during the relevant six-month term.

The Council of Ministers shall be required to provide the necessary follow-up to ensure the effective implementation of the decisions adopted by the Meeting of Presidents in the sector in which it is competent, and to prepare the topics for possible discussion by the Meeting.

Depending on the nature of the subjects to be considered, the Ministers may hold intersectoral meetings.

The Council of Ministers for Foreign Affairs shall be the main coordinating body.

### **Article 17**

The Council of Ministers for Foreign Affairs shall be responsible for matters relating to the process of democratization, peacemaking, regional security and other political matters, as well as the coordination and follow-up in respect of political decisions and measures in the economic, social and cultural sectors which may have international repercussions. It shall also be responsible for approving the budget of the central organization, drawing up the agenda and making preparations for the Meetings of Presidents, representing the region *vis-à-vis* the international community, implementing the decisions of the Presidents in the field of regional international policy, issuing recommendations concerning the accession of new members to the Central American Integration System and deciding on the admission of observers to the System.

The Council of Ministers for Foreign Affairs shall take cognizance of the proposals of the various ministerial forums so that it may bring them to the attention of the Meeting of Presidents, together with its comments and recommendations.

### **Article 18**

The Council of Ministers responsible for economic integration and regional development shall be responsible for implementing the decisions of the Meeting of Presidents concerning economic integration, and fostering economic policies geared towards regional integration.

### **Article 19**

The Council of Ministers responsible for other sectors shall be responsible for dealing with matters falling within their respective terms of reference.

## **Article 20**

The intersectoral meeting of Ministers for Foreign Affairs and Ministers responsible for economic integration and regional development shall be responsible for analyzing, discussing and proposing to the Presidents the regional strategy for the active participation of the region in the international economic system, and for implementing that strategy jointly.

## **Article 21**

In order to be quorate, meetings of the Council of Ministers must be attended by all the respective ministers, or, exceptionally, by duly authorized vice—ministers.

Each Member State shall have a single vote within the Council of Ministers. Decisions on matters of substance must be adopted by consensus. If there is doubt as to whether a decision concerns substance or procedure, the question shall be settled by a majority vote.

The various ordinary, sectoral or intersectoral meetings of the Council of Ministers shall be convened as often as necessary or at the request of one of the members or of the Meeting of Presidents.

## **Article 22**

Without prejudice to the provisions of article 10, the decisions of the Council of Ministers shall be binding on all Member States and only provisions of legal nature may serve to prevent their application. In such cases, the Council shall give further consideration to the matters by means of appropriate technical studies and, if necessary, shall adapt its decision to the needs of the legal system in question.

However, such decisions may be applied by those Member States which have not objected to them.

## **Article 23**

The Executive Committee and the General Secretariat shall be the permanent organs of the Central American Integration System.

## **EXECUTIVE COMMITTEE**

### **Article 24**

The Executive Committee shall be composed of one representative of each Member State. Such representatives shall be appointed by the respective Presidents through the Ministers for Foreign Affairs.

The Executive Committee shall be chaired by the representative of the State which hosted the most recent ordinary Meeting of Presidents. The Committee shall meet in ordinary session once a week and in extraordinary session when convened by its Chairman.

The tasks of the Executive Committee shall be to:

(a) Ensure the effective implementation, through the General Secretariat, of the decisions adopted by the Meetings of Presidents;

(b) Ensure compliance with the provisions of the present Protocol and instruments additional thereto or emanating therefrom;

(c) Establish sectoral policies and, through its chairman, submit to the Council of Ministers for Foreign Affairs the proposals necessary to comply with the general guidelines issued by the Meetings of Presidents;

(d) Through its Chairman, submit to the Council of Ministers for Foreign Affairs the draft budget of the central organization of the Central American Integration System;

(e) Propose to the Council of Ministers for Foreign Affairs the establishment of such secretariats and subsidiary bodies as it may deem necessary for the effective fulfilment of the objectives of the Central American Integration System, particularly in order to permit the participation of all the sectors involved in the comprehensive development of the region and the global integration process;

(f) Approve the regulations or instruments drawn up by the secretariats or other bodies or secretariats of the Central American Integration System;

(g) Review the half-yearly progress reports of the General Secretariat and other secretariats and transmit them, together with the comments and recommendations of the respective Councils of Ministers, to the Council of Ministers for Foreign Affairs at least one month prior to its last meeting before the Meeting of Presidents, so that the Council of Ministers for Foreign Affairs may bring those comments and recommendations to the attention of the Meeting;

(h) Undertake any other tasks specified in the present Protocol and instruments additional thereto or emanating therefrom.

## **GENERAL SECRETARIAT**

### **Article 25**

The General Secretariat shall be headed by a Secretary—General who shall be appointed by the Meeting of Presidents for a period of four years.

### **Article 26**

The Secretary—General shall be the chief administrative officer of the Central American Integration System and the legal representative of the System.

The Secretary-General must be a national of any Member State and shall have a demonstrated commitment to the integration process, a high degree of impartiality, independent judgment and integrity.

The Secretary—General shall be required. to:



(a) Represent the Central American Integration System in the international arena in accordance *with* the provisions of this Protocol and when called upon to do so by the Council of Ministers;

(b) Execute or coordinate the execution of mandates emanating from the Meeting of Presidents, the Council of Ministers and the Executive Committee;

(c) Prepare the administrative regulations and other instruments of the General Secretariat and transmit them for consideration by the Executive Committee;

(d) Negotiate and sign, with the approval of the relevant Council of Ministers, international instruments which fall within their spheres of competence, in accordance with the principles and purposes of this Protocol;

(e) Ensure financial and technical cooperation among States, groups of States, organizations and other international bodies as required for the smooth functioning of the Central American Integration System and the attainment of Central American objectives, and, to that end, sign contracts and agreements and accept donations and other extraordinary contributions;

(f) Prepare a programme of work, an annual progress report and the budget estimate, and submit them to the Executive Committee;

(g) Participate as a full member in all bodies of the Central American Integration System and head the permanent secretariat of the Meeting of Presidents, providing secretariat services and other necessary technical and administrative services;

(h) Monitor the implementation of the provisions of this Protocol and of instruments emanating therefrom or additional thereto, and the implementation by ah regional integration bodies and institutions of decisions of the Meeting of Presidents and the Council of Ministers. To that end, the Secretary General may meet with such bodies and institutions whenever he deems it appropriate or is directed to do so by the Executive Committee;

(i) Ensure that Member States make their assessed contributions and extraordinary contributions, if any, to the regular budget;

(j) Appoint and dismiss the technical and administrative staff of the General Secretariat, in accordance with the relevant regulations, giving due consideration to the proportional representation of candidates from all Member States;

(k) Direct the attention of the organizations of the System to any situation which, in his view, may affect the pursuit of the principles or purposes of the System or jeopardize its institutional order;

(l) Exercise all other functions entrusted to him under this Protocol or by the executive organs, and functions created by instruments additional to or emanating from the Protocol.

### **Article 27**

The General Secretariat and the Secretariat staff shall act solely in order to serve the Central American Integration System and shall not seek or receive instructions from any Government.

Each Member State undertakes to respect the Central American character of the Secretariat staff and not to seek to influence it in the discharge of its responsibilities.

### **Article 28**

The secretariat responsible for economic affairs shall be the Permanent Secretariat of the General Treaty on Central American Integration (SIECA), which shall retain the legal personality, attributions and functions accorded it by that Treaty.

SIECA shall report on its activities to the System Secretariat with a view to promoting the harmonious and balanced treatment of economic issues with political, social and cultural issues, within the context of the full integration of the Central American region.

## **GENERAL PROVISIONS**

### **Article 29**

The Central American Integration System shall have legal personality and shall have its seat at San Salvador, El Salvador; it shall conclude a headquarters agreement with El Salvador for the central organization of the System.

### **Article 30**

The Central American Integration System shall be legally entitled to carry out its functions and pursue its purposes at the international level and in each of its Member States. Specifically, it may acquire or dispose of movable and immovable property, conclude contracts and agreements, appear before a court of law, hold funds in any currency and make transfers.

### **Article 31**

The Central American Integration System may, within its sphere of competence, conclude treaties or agreements with third States or organizations, in keeping with the purposes and principles of this instrument. It may also conclude partnership agreements with third States which specify reciprocal rights and duties and, where appropriate, acknowledge the equitable and complementary treatment to be accorded the System in its relations with organizations or States which are more developed.

The Secretary—General shall submit such initiatives or proposals for consideration by the Executive Committee, which will transmit them, with its observations and recommendations, to the Council of Ministers for Foreign Affairs.

Telephone or other electronic communications and the correspondence of the System shall be exempt from any charge in the territory of Member States.

### **Article 32**

The States Members of the Central American Integration System shall make assessed contributions of equal amounts for the support of the System and its organizations.

### **Article 33**

The Council of Ministers for Foreign Affairs and Ministers responsible for economic integration and regional development shall organize and institute an auditing and financial inspection system for the organs and institutions the Central American Integration System.

Audit and financial inspection reports shall be published annually *iii* the Official Gazettes of Member States.

### **Article 34**

Instruments additional to or emanating from this Protocol which are signed in accordance with its provisions may enter into force by means of executive agreements.

### **Article 35**

This Protocol and instruments additional thereto and emanating therefrom shall take precedence over any bilateral or multilateral agreement or protocol between Member States on matters relating to Central American integration. However, the provisions of such agreements or treaties shall remain in force between such States so long as they do not contravene this Protocol or hinder the pursuit of its purposes and aims.

Any dispute concerning the implementation or interpretation of the provisions of this Protocol and other instruments referred to in the preceding paragraph shall be submitted to the Central American Court of Justice.

### **Article 36**

This Protocol shall be approved or ratified by the Central American States in accordance with their respective constitutional procedures.

The Minister for Foreign Affairs of El Salvador shall be the initial depositary of the instruments of ratification and accession relating to this Protocol and shall transmit them for final deposit with the System Secretariat when it assumes its functions.

This Protocol shall be of indefinite duration and shall enter into force in the States that have ratified it eight days after the date on which a majority of the States that have signed the Charter of the Organization of Central American States deposit their instruments of ratification.

Upon entry into force, a certified copy of this Protocol shall be deposited with the Secretariats of the United Nations and the Organization of American States.

This Protocol shall be open to accession by Belize, which may also negotiate a partnership or association agreement.

### **Article 37**

Draft amendments to this Protocol shall be submitted for Consideration by the Meeting of Presidents through the Council of Ministers for Foreign Affairs

### **Article 38**

This instrument shall not be subject to reservations.

## **TEMPORARY PROVISIONS**

### **Article 1**

The bodies and institutions created under the Procedure for the Establishment of a Firm and Lasting Peace in Central America and those having their origin in integration efforts undertaken prior to this Protocol shall be included in the Central American Integration System provided they are found to be compatible with its purposes, principles and organizational structure pursuant to a study of the institutional legal system.

### **Article 2**

Pending the establishment of the Executive Committee, its powers shall be assumed directly by the Council of Ministers for Foreign Affairs.

### **Article 3**

For the purposes of article 35, paragraph 2, and pending the establishment of the Central American Court of Justice, disputes concerning the implementation or interpretation of the provisions of this Protocol shall be submitted to the Central American Judicial Council.

### **Article 4**

The provisions of article 12 which concern the Central American Parliament shall apply to States that have already ratified the Constituent Treaty and the Protocols thereto.

IN WITNESS WHEREOF, the constitutional Presidents of the Central American Republics sign this Protocol in six original copies at Tegucigalpa, Central District, Honduras, on 13 December 1991.

**TEGUCIGALPA PROTOCOL TO THE CHARTER OF THE ORGANIZATION  
OF CENTRAL AMERICAN STATES (ODECA)**



**RAFAEL ANGEL CALDERON FOURNIER**  
Presidente de la República de Costa Rica



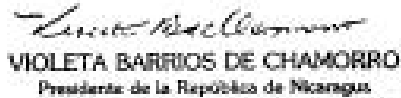
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