The OAS and the Quest for International Cooperation: American Vision or Mirage

L. Ronald Scheman

Follow this and additional works at: http://scholarlycommons.law.case.edu/jil

Part of the International Law Commons

Recommended Citation
Available at: http://scholarlycommons.law.case.edu/jil/vol13/iss1/5
The OAS and the Quest for International Cooperation: American Vision or Mirage

by L. Ronald Scheman*

I. INTRODUCTION

THE MERITS OF regional international organizations such as the Organization of American States have been debated so intensely that it brings to mind the old Chinese allegory about the king and the beggar. A happy king slept twelve hours each night during which he was tormented by nightmares of being a miserable beggar. A beggar slept twelve hours but was blessed with dreams of being the happiest of kings. Was the dream as powerful as the reality?

So it is with the Organization of American States (OAS). Are the member states involved in one of the more exciting experiments in establishing a base for international cooperation, tortured half the time by frustration at their failure to achieve the ideal? Or are they enmeshed in an aimless superstructure held together only by the rhetoric of the unrealized potential of what might be?

The answer for the OAS may be as elusive as it was for the Chinese monarch. But the quest has enormous importance. Humankind is still seeking viable models to assure its survival. The issue is how to build credible institutions to give substantive content to the rule of law. To what extent should the system give expression to diverse cultures and values? How centralized should the system be? In what manner should the system be integrated with the United Nations?

The Charter of the OAS recognizes the need for “juridical organization” as a necessary condition for security, and promoting the rule of law among nations. This article will examine the workings of the Organization of American States, a regional international organization within the United Nations, from the original vision as incorporated into the Charter of the Organization, to the most recent events, including the precedent shattering declaration that the Somoza Government in Nicaragua was “unacceptable,” the vigorous investigations of the Inter-American Commission on Human Rights, and the vast array of development activities.

* Assistant Secretary for Management of the Organization of American States; President of the Pan American Development Foundation. B.A., Dartmouth College (1953); J.D., Yale University (1956). Member, New York Bar, District of Columbia Bar. The opinions in the paper reflect the views of the author and not of the organizations.
The goal of this article is to set forth a brief record of the OAS so that an evaluation of its relative achievements and potential contribution to international order can be based on more empirical data than has been the case in the past.

II. THE AMERICAN VISION OF HEMISPHERIC SOLIDARITY UNDER LAW

A. Human Fullfillment and Progress

The Charter of the Organization of American States1 was signed in Bogotá, Columbia, on April 30, 1948, and amended by the Protocol of Buenos Aires on February 27, 1967. The intention of the signatories to the Charter, as stated in the preamble, was to establish a regional organization under the United Nations in order to achieve a “favorable environment” for human development and the realization of fundamental rights.2

The American nations have bound themselves by the Charter to work together for a just society based upon a system of juridically equal nation-states that will respect the rights of the individual, improve the quality of life and standard of living of the member states, and resolve conflicts among themselves through peaceful means. The organization recognizes that cooperative relations among the nations are essential to achieve these goals.

The nations agree to cooperate to attain educational levels sufficient to achieve technological progress in their societies,3 including adopting compulsory elementary education4 and making higher education available to all who qualify.5 They undertake to exchange science and technology,6 to assure cultural exchanges,7 and take other measures to “strengthen the civic conscience of the American peoples” for the purpose of the effective exercise of democracy, the observance of the rights of men, and greater integration.8

---


3 OAS CHARTER, supra note 1, art. 46.

4 Id. art. 47(a).

5 Id. arts. 47(c), 101(d).

6 Id. arts. 36, 49, 101(e).

7 Id. arts. 50, 101(h).

8 Id. art. 101(l)(m).
B. Economic Cooperation and Integration

Measures of economic cooperation, as defined in Article 31, are included in the Charter to ensure the cooperation of the nations in order to increase per capita national income, achieve fair taxation, and assist in industrialization, price stability, fair wage and employment opportunities. Work is defined as both a right and duty. The Charter protects collective bargaining and free association of employers, workers, professional and other societies, and seeks systems of public administration, banking and credit which rank community interests as their prime concern.

The nations also seek to achieve economic integration "as one of the objectives of the inter-American System." They undertake to reduce tariffs among themselves, improve trade, achieve effective international financial cooperation, expand export opportunities, and improve the facilities of transportation and commerce among themselves toward these goals. Special consideration is to be given to the less developed countries among the American nations without the need for reciprocity.

Within the functioning of the system as envisaged by the Charter, the nations agree to avoid taking measures which would adversely affect the economic and social development of each other and to meet together to solve any "economic development or stability" problems of any state that cannot be resolved by that state alone.

C. Peace and Collective Security

The peaceful settlement of disputes is basic to the hemispheric system. All international disputes among the nations are considered to be subject to peaceful methods of settlement either through direct negotiations, good offices, mediation, conciliation, arbitration, judicial settlement, or any other method upon which the states may mutually agree. In case of threat to the peace and security of the Western Hemisphere, the states will take steps to provide for common action against aggres-
agreement that an aggression against one state is tantamount to an aggression against all. Each nation is pledged to respect the self-determination and sovereignty of the others, within a system of ideological pluralism. Essential to the recognition of the sovereignty of the states is the absolute prohibition of intervention, direct or indirect, in the internal or external affairs of any state, including its “political, economic and cultural elements,” and preservation of the territorial inviolability of the states against the use of force “for any grounds whatever,” the only exception being for measures to maintain peace and security in accordance with treaty obligations. In this regard, the definition of non-intervention is far more elaborate and detailed than that of any other international treaty.

D. Structure

To achieve these goals, the Organization has established eight principal organs led by a General Assembly which is the Supreme Organ. The General Assembly meets annually, first for informal, off-the-record discussions among the Ministers of Foreign Affairs, and then in regular formal sessions. The General Secretariat is the “central and permanent organ” to carry out the instructions of the Assembly as well as the other councils and organs.

Three separate and equal subordinate councils govern specialized matters of mutual interests; Permanent Council for political affairs, which is in continual year-round session, and two councils for sectoral cooperation, which meet annually: the Inter-American Economic and Social Council (CIES) and the Inter-American Council for Education, Science, and Culture (CIECC). An Inter-American Juridical Committee

---

22 Id. art. 2(c).
23 Id. arts. 3(f), 27, 28.
25 Id. arts. 18-20.
26 Id. art. 22.
27 Id. arts. 18, 19. See generally, Puig, El Principio de no Intervención en el Derecho Internacional Público Inter-Americano, 1979 ANUARIO JUDICIAL INTER-AMERICANO 55. (Organization of American States).
28 OAS CHARTER, supra note 1, art. 51.
29 Id. arts. 52-57.
30 Id. art. 113.
31 Id. arts. 78-92.
32 Id. arts. 93-98. Available on a year round basis, CIES has a permanent Executive Committee (CEPCIES) with its own Program-Budget Committee. The only standing committee for trade negotiations is CECON, whose most important recent function has been monitoring the application of GSP to Latin America.
33 Id. arts. 99-104. CIECC brings together a series of specialized committees, one each in science, education, and culture, composed of the foremost leaders in their respective
continues studies on codification of international law to attain uniformity of legislation.\(^4\) The other named organ is the Inter-American Commission on Human Rights,\(^5\) recently supplemented by an Inter-American Court of Human Rights, with the establishment of the Inter-American Convention on Human Rights on July 18, 1978.\(^6\) The system also provides a formal mechanism for the General Assembly to establish specialized organizations for specific technical ends\(^7\) and specialized conferences for specific subjects requiring inter-American cooperation.\(^8\)

The principal mechanism for the enforcement of peaceful settlement is the Meeting of Consultation of the Ministers of Foreign Affairs,\(^9\) which can be convened by any member state or, in the event of armed attack, by the Chairman of the Permanent Council of the Organization.\(^10\) The Permanent Council has been given broad powers to assist in peaceful settlement\(^11\) of disputes which any party may bring to it.\(^12\) A special Inter-American Committee on Peaceful Settlement of Disputes is provided for by the Charter\(^13\) (Articles 83 through 90) to assist the Council in the exercise of these functions, provided that both parties to the dispute agree\(^14\) (Article 87).

This is the intention of the Organization of American States: a loose system of international governance operating under the United Nations. The goals of the kind of society desired are well enunciated. No time frame is set, nor is any mechanism established to require a nation to accept its objectives or decisions without its consent. Indeed, there is a flat prohibition against any state or group of states arrogating to themselves the right to intervene by force or by exerting any kind of pressure on the institutions of any nation to change their internal timetable or fields. Their function is to analyze and decide upon the programs recommended by the countries for execution by the Secretariat. Because the projects are identified by specialists in their respective fields, the program's impact is twofold: first, it fosters direct projects which impel the countries of the Americas to share their technical development, and second, it brings together on a regular basis the leading educators and scientists of the hemisphere for multi-level interchanges on methods to attack current issues and development bottlenecks.

\(^{44}\) Id. arts. 51(d), 105.
\(^{45}\) Id. arts. 51(e), 112.
\(^{47}\) OAS CHARTER, supra note 1, arts. 51(h), 130-36.
\(^{48}\) Id. arts. 51(g), 128-29.
\(^{49}\) Id. art. 59.
\(^{50}\) Id. arts. 60, 63.
\(^{51}\) Id. arts. 82, 85.
\(^{52}\) Id. art. 86.
\(^{53}\) Id. arts. 83-90.
\(^{54}\) Id. art. 87.
Thus the vision. To implement it, the nations of the Americas have built an elaborate array of institutions, the strongest system of organized international linkages among the governments of any area of the world outside Europe. Whether it is a perception of the future or a dream that provides scarce comfort amid the harsh realities of special interests requires an examination of the functioning of the system.

III. THE HISTORIC ROLE OF THE OAS

A. Peace-Keeping and Collective Security

In spite of predictions of the imminent demise of the OAS, recent years’ activities have been among the most vigorous and diverse in the OAS history. The problems discussed in its chamber have included the Panama Canal, the unilateral U.S. sugar tariff increases, and the alleged human rights violations within several member states. Of special significance is the unprecedented intervention in an internal dispute of a member state by the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs into the dispute between President Somoza of Nicaragua and his domestic opposition. The Ministers initially sought to mediate and, finally, they called for the “immediate and definitive replacement” of the Somoza regime on June 23, 1979.

This capacity of the Organization to express the collective will of the nations on critical human and democratic values in the hemisphere and exert pressure on the behavior of parties to actual and potential conflict has been controversial. The issue of peaceful settlement of disputes, however, has been central to the Organization since the First International Conference of American States in 1890. The Second International Conference of American States in 1933...

---

46 Id. arts. 18, 19.
47 See Wood, supra note 2, at 148-49.
Conference of American States in Mexico in 1902 approved a treaty, which required the compulsory arbitration of pecuniary claims. Numerous treaties for the settlement of conflicts among the American States were woven into the fabric of inter-American diplomacy in almost every international conference thereafter.

While a specific well-defined peace-keeping mechanism still eludes the grasp of American international jurists, the process of consultation in the event of a threat to the peace has become firmly established in the tradition of the American hemisphere. The processes are unique achievements, having built up a body of precedents and "law" that have a considerable effect on the attitude and conduct of the member states. The flexibility of the current machinery which allows the Permanent Council of the OAS to act as a Meeting of Consultation of Ministers of Foreign Affairs was reaffirmed as preferable to the more rigid treaties at the San José Conference to amend the Rio Treaty in 1975.

The principles of consultation were first enunciated in the Convention for the Maintenance, Preservation and Reestablishment of Peace (Buenos Aires, 1936), and were applied immediately. The process matured after the United States formally agreed to abide by the principle of non-intervention in 1933 as a logical corollary to the mutual respect implicit in that principle. With the impending threat of World War II in 1939, the First, Second and Third Meetings of Consultation, held in Panama (1939), Havana (1940), and Rio (1942), considered the maintenance of neutrality of the American hemisphere. It was not until 1959 that the Meetings of Consultation began to focus on the events in the hemisphere with the initial consultations on the increasing tension in the Caribbean.
(Fifth Meeting of Consultation, Chile, 1959).  

Until that time, the Organization employed consultation in various ways with varying degrees of success. Several commentators have observed, citing the OAS peace-keeping record, that regionalism has become a basic fact of international life and that regional organizations have a better record of success in resolving disputes than the United Nations. Other commentators point to seventeen inter-American disputes and incidents, involving armed forces without war, in which a wide variety of formal and informal mechanisms were used to define and resolve the conflicts. The events support the general conclusion that while the Americas have not been conflict-free, the machinery and general attitudes of the American nations have served to keep the area war-free except for the brief El Salvador/Honduras flare-up.

Greater testing is yet to come. As development, population growth, and the search for natural resources pushes economic frontiers closer to previously remote borders, a number of latent issues will become increasingly important. These issues include the Argentina/Chile Beagle Channel islands dispute, the claims of Bolivia for access to the sea, the Ecuador/Perú Marañón River question, the rival claims of Venezuela and Colombia to jurisdiction of the continental platform, and the claims against the

---

67 See, Consultation of Ministers of Foreign Affairs (5th Meeting) OEA/Ser. C/II.5 (English) Santiago, Chile (1959).
68 See J. Nye, supra note 49; Martz, supra note 49.
69 See J. Domínguez, supra note 49. The specific disputes in which regional machinery has been invoked are:

60 For more extensive discussion of the techniques of Latin American diplomacy, see, B. Wood, THE UNITED STATES AND LATIN AMERICAN WARS: 1932-1942, at 430-36 (1966); A. Thomas, supra note 2, chap. 17; see also M. Ball, supra note 2, chap. XI; N.Y. Times, June 26, 1969, at 27, col. 1.
United Kingdom by Argentina over the Malvinas Islands and the issue of Belize independence.\textsuperscript{61} As development progresses, pressures on national leaders increase, requiring the continuing availability of recognized legal alternatives for maintaining the peace.

The issue of collective security and mutual assistance led to the adoption of the Treaty of Reciprocal Assistance (Rio Treaty) adopted in Rio de Janeiro in 1947, and amended in 1975 in San José, Costa Rica.\textsuperscript{62} In recent years, the Rio Treaty has been applied in a number of events of varying degrees of controversy. In the early 1960's it was the principal instrument used in the issues emanating from the tensions in the Caribbean relating to Cuba,\textsuperscript{63} the attempt on the life of President Rómulo Betancourt of Venezuela\textsuperscript{64} (Sixth Meeting of Consultation, San José, 1960), and the imposition of sanctions on Cuba\textsuperscript{65} (Ninth Meeting of Consultation, Washington, 1964). Under treaty authority, the OAS took action in the case of the Dominican Republic in 1965 to dispatch a special committee to Santa Domingo to obtain a formal cease-fire agreement and to establish an Inter-American Peace Force.\textsuperscript{66} This important and controversial precedent strained the principle of non-intervention. Furthermore, this action caused a split among the Latin American countries as to their perception of the uses to which the United States would wish to put the OAS.

The Eleventh Meeting of Consultation, in 1966 and 1967, was the first meeting in which the problems of economic cooperation as integral to the peace and security in the hemisphere were considered. A comprehensive program in the fields of transfer of technology and education was adopted.\textsuperscript{67}

In 1969, the conflict between El Salvador and Honduras was successfully brought to an end through a cease-fire after only 48 hours of fighting. This was accomplished by a Committee of Ambassadors which was immediately dispatched to the scene.\textsuperscript{68} Subsequently, military observers


\textsuperscript{64} Consultation of Ministers of Foreign Affairs (6th Meeting) 5, OEA/Ser. C/II.6 (English), San José, Costa Rica (Aug. 16-21, 1960).


\textsuperscript{67} See OAS CHRONICLE, Apr. 1967, at 12-14.

\textsuperscript{68} See, O.A.S. G.S., II INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE-APPLICATIONS
were maintained on the border for several years.

In 1974, the possibility of removing sanctions from Cuba was considered,\textsuperscript{99} resulting in the Sixteenth Meeting in San José in 1975 in which a Freedom of Action Resolution was adopted.\textsuperscript{70} The Seventeenth Meeting in Washington in 1978 began a prolonged consideration of the matters between Costa Rica and Nicaragua and the situation within Nicaragua. This consideration culminated in the Resolution referred to above that indicated that the continuance of the Somoza regime in Nicaragua was unacceptable.\textsuperscript{71}

In view of dominant U.S. interests in the hemisphere, the Latin American members of the OAS have long been wary of the role of regional peace-keeping.\textsuperscript{72} Nevertheless, some observers have argued strongly that the regional system is part of a Machiavellian Latin American construct to constrain the United States to a code of behavior which, at the minimum, deters arbitrary unilateral U.S. actions.\textsuperscript{73} The long campaign for U.S. acceptance of the principle of non-intervention after the adventures of the early 1900's is a prime example of how Latin America has used the inter-American forums for continued pressure on a major issue.\textsuperscript{74} The recent rejection of the U.S.-sponsored resolution to field an Inter-American Peace Force in Nicaragua is of similar import.\textsuperscript{75} As was verified in the recent amendments to the Rio Treaty, the Latins have repeatedly reaffirmed the need for a hemispheric organization as a vital element in an orderly relationship between Latin America and the United States.\textsuperscript{76}

Some commentators argue that the OAS system was intended by the United States to usurp U.N. peace-keeping functions,\textsuperscript{77} pointing to two particular cases: Guatemala in 1954, and the Dominican Republic in 1965. The fact is that this jurisdictional issue has only been critical in these two disputes in which, it is argued, ideological issues played a predominant role.\textsuperscript{78} It is clearly stated in the Charter and the Rio Treaty that the ac-

\textsuperscript{99} Consultation of Ministers of Foreign Affairs (15th Meeting) 27, OEA/Ser. C/II.15 (English), Quito, Ecuador (Nov. 8-12, 1974).
\textsuperscript{70} Consultation of Ministers of Foreign Affairs (16th Meeting) 4, OEA/Ser. C/II.16 (English) San Jose, Costa Rica (July 24, 1975).
\textsuperscript{71} Consultation of Ministers of Foreign Affairs (17th Meeting) OEA/Ser. F/II.17 (English) Washington, D.C. (June 23, 1979).
\textsuperscript{72} See generally, N.Y. Times, June 22, 1979, at 1, col. 5.
\textsuperscript{73} Farer, \textit{supra} note 49, at xvii.
\textsuperscript{74} Martz, \textit{supra} note 49, at 177.
\textsuperscript{75} N.Y. Times, June 22, 1979, at 1, col. 6.
\textsuperscript{76} Protocol Respecting the 1976 Amendment to the Rio Treaty, \textit{supra} note 62, at 46.
\textsuperscript{77} See M. Ball, \textit{supra} note 2, at 449-52, 471-82; A. Thomas \textit{supra} note 2, at 302-16; see also Farer, \textit{supra} note 49.
\textsuperscript{78} See M. Ball, \textit{supra} note 2, at 449-52, 471-82; A. Thomas \textit{supra} note 2, at 302-16.
tivities of the OAS were conceived of as an integral part of the overall concept of the United Nations, to make peace-keeping more agile and responsive to the needs of the states in a particular region of the world.\(^\text{79}\)

**B. International Law**

Among the more extraordinary achievements of the American nations has been the development and codification of international law espoused by the Inter-American Juridical Committee. This Committee has led in the preparation of studies and draft conventions on the problem of uniformity of legislation in the Americas. From 1902 to 1979 there have been more than 110 inter-American treaties, conventions and protocols related to issues of public and private international law.

The most fruitful period took place from 1923 to 1954, which was highlighted by the famous Bustamante Code adopted at the International Conference of American States in Havana in 1928.\(^\text{80}\) There has been a recent burst of activity in the 1970's which began with the First Inter-American Specialized Conference on Private International Law. This conference, held in Panama in 1975, adopted six Inter-American Conventions.\(^\text{81}\) The Second Specialized Conference on Private International Law, held in April 1979 in Montevideo, adopted seven more conventions on various topics and protocol on letters rogatory.\(^\text{82}\) These initiatives established a basis for more effective commerce among the American states, and set precedents for continued efforts in other areas of the world.


\(^\text{81}\) The six conventions adopted by the Conference included: Inter-American Convention on the Legal Regime of Powers of Attorney to be Used Abroad; Inter-American Convention on the Taking of Evidence Abroad; Inter-American Convention on Conflict of Laws Concerning Bills of Exchange Promissory Notes, and Invoices; Inter-American Convention on International Commercial Arbitration; and Inter-American Convention on Letters Rogatory and are reprinted in 14 INT’L LEGAL MATERIALS 325 (1975).

\(^\text{82}\) The Second Specialized Conference’s action included the following: Inter-American Convention on Conflicts of Laws Concerning Checks; Inter-American Convention on Conflicts of Laws Concerning Commercial Companies; Inter-American Convention on Extraterritorial Validity of Foreign Judgments and Arbitral Awards; Inter-American Convention on Execution of Prevention Measure; Inter-American Convention on Proof of and Information on Foreign Law: Inter-American Convention on Domicile of Natural Persons in Private International Law; Inter-American Convention on General Rules of Private International Law; and Additional Protocol to the Inter-American Convention on Letters Rogatory which are reprinted in 18 INT’L LEGAL MATERIALS 1220 (1979).
C. Human Rights

The growing role of the Organization in the protection of human rights is one of the more important developments in the last decade. Initiated in October, 1960, the Inter-American Commission on Human Rights has built up an enviable record for careful, persistent, and objective reporting on human rights violations. Today, the Commission is firmly established as an organ of the OAS, and has been recently supplemented by an Inter-American Court of Human Rights based in San Jose, Costa Rica. Within the last several years, the Commission has issued major reports on the situation of human rights in various OAS member states. The Nicaraguan report was utilized by the Seventeenth Meeting of Consultation in its action towards the government of Nicaragua.

In contrast to the U.N. Commission on Human Rights, cultural affinity and relative mutuality of perceptions have given the Inter-American Commission considerable credibility among the member states. The very existence and respect accorded to the Commission, which is by definition an entity of intervention, is an historic turning point in the role of international organization. The significance of this credibility looms even larger against the enormous importance of the principle of non-intervention as the bedrock of hemispheric cooperation.

---

84 See OAS CHARTER, supra note 1, art. 112.
88 For this reason some states normally supportive of human rights issues have been cautious of U.S. inspired initiatives to strengthen the role of the Commission. See the debates surrounding the adoption of the resolutions on human rights 1 O.A.S., Proceedings (7th Session) 76, AG/RES 314 (VII-0/77), O.A.S. Doc. OEA/Ser. P/VII-0.2 (1977); 1 O.A.S., Proceedings (7th Session) 78, AG/RES 315 (VII-0/77), OAS Doc. OEA/Ser. P/VII-0.2 (1977); see also Consultation of Ministers of Foreign Affairs (17th Meeting) 9 OEA/Ser. F/II.17 Washington, D.C. (June 21, 1979).
IV. THE EVOLUTION OF THE MODERN OAS

The last three decades have seen the OAS evolve from an entity concerned predominantly with issues of maintenance of peace to one in which the bulk of its resources are devoted to developmental activities. That evolution is vital to its role in the promotion of an atmosphere conducive to the preservation of the rule of law.

Conceptually, the OAS is an organization concerned with human resources. The major role of the OAS in development has been to provide supplemental services of specialized technical expertise and training, a basic element in the achievement of effective national administration. The differences between the smaller and larger states require the OAS to be prepared to meet a wide range of needs. From Bolivia to Mexico, from Barbados to Brazil, the needs are of such diverse nature and intensity that they preclude a single approach to any problem. Direct technical assistance began in the late 1950's and in the 1960's with major efforts to upgrade the member countries' capability in fields such as development planning, statistics, tax reform, social security administration, multinational land use planning, library cataloging, and education.

The accomplishments were considerable. The trailblazing role of the OAS in establishing the Inter-American Development Bank and annual reviews of economic performance of the member States are now part of history. The Inter-American Committee of the Alliance for Progress (CIAP) was one of the principal spurs for the establishment of national planning agencies throughout the Americas. It established the Pan American Development Foundation which pioneered the idea of loans to low-income groups.

The nations of the hemisphere became painfully aware of the lack of reliable data for national planning with the advent of the Alliance for Progress. The OAS planned and implemented a wide range of technical assistance and training programs to upgrade statistical capabilities and achieve uniform presentation. The "Census of the Americas" provides a statistical record unavailable in any other region of the world. A comprehensive program to assist the nations of the hemisphere to devise and

---

91 The "Census of the Americas" is not a specific census. It is a conglomerate of all the censuses that are taken of all countries. The OAS was instrumental in having countries take their censuses at the same time. For current participation see O.A.S. Inter-American Statistical Institute, Report of the XIII Session of the Committee on Improvement of National Statistics (Coins), 26-153, (1979).
to implement an equitable system of national income taxation was managed by the OAS.\textsuperscript{88} In library development, the OAS has played a major role over many decades. The OAS has developed a basic library infrastructure by establishing uniform cataloguing, in translating and applying the Dewey decimal system, and in spurring the use of computerized library technologies. To this day, the OAS’ “List of Library Headings” in Spanish is the “bible” for libraries throughout Latin America.\textsuperscript{89}

Similarly, in fields such as the uniformity of legislation, the “Statement of the Laws” series is a major general reference source for the Latin American legal system. The series has been a basic tool in the studies of comparative legislation and has introduced lawyers of English-speaking nations to the principles of the legal systems of the Latin American countries. The leadership of the inter-American system in uniformity of legislation has also been outstanding in the field of private international law.\textsuperscript{90}

These are but a few examples of how the regional agency has served as a catalyst for common action in areas where action by individual nations was either impossible for lack of resources or would have entailed costly duplication. The Organization’s ability to adapt programs to changing priorities as a result of the continuing growth and evolution of the member states and changes in the world economy is noteworthy.

V. Current Activities

The major development activities of the Organization fall into four general fields: 1) economic-social; 2) science and transfer of technology; 3) education; and 4) culture. While much attention has been paid by scholars to the results of numerous OAS conferences, the day-to-day development work of the Organization is rarely commented upon or subject to critical analysis.\textsuperscript{91} The record is best approached by reviewing the individual programs, their historic performance, and their present priorities.

To gain some perspective on the magnitude of the operations, the OAS manages about $80 million annually, including both assessed and

\textsuperscript{88} Alliance for Progress, supra note 90 at 33.
\textsuperscript{89} O.A.S., Bibliography of Books and Articles in Periodicals on the Organization of American States, OEA/SG1.1/IV/III.2 (1977).

\textsuperscript{91} See Wood supra note 2.
voluntary funds. Of this, $9,937,000 or 12.3 percent of the budget is devoted to political functions and the policy-making bodies; $64,935,000 or 80.5 percent is for development activities; $4,292,000 are funds managed for the other agencies; and $1,445,000 are allocated to such activities as the publication of *Americas* magazine, information programs and legal studies. These sums take into account only the OAS portion of the investment in the projects. Participation by the countries in the form of counterpart contributions amounted to $63 million in 1980. Most important, the OAS entered fiscal year 1980 with virtually no payments in arrears to the voluntary funds. This is a record without parallel among international agencies and an important index of the seriousness of support of the member governments.

The Organization trains almost 3,000 professionals per year, of which over 700 are awarded full tuition fellowships for graduate work in foreign universities. Others are trained on-the-job and take short-term courses in multinational learning centers sponsored throughout the hemisphere. The OAS makes over 400 grants to universities and research institutions annually ranging from $10,000 to $50,000 for the expansion of their capabilities in science and education. It also sends over 200 short-term technical assistance missions a year to help deal with particular national problems in which outside expertise is advisable. The projects are small and do not gather many headlines. Nevertheless, their role as an integral component of a balanced development effort among cooperating nations ought not to be underestimated, especially for the smaller nations.

The administration of these programs entails a considerable volume of activity. The fellowship awards alone involve the processing of several thousand applications. In contrast, a financial institution such as the Inter-American Development Bank allocates its $1.8 billion to less than 100 new projects per year. The OAS is the major international institution in the Western Hemisphere dealing with the technical assistance and the training of human resources to increase the internal capabilities of national and regional institutions.

Examples of specific programs throw a better light on the nature of the present activity. In the mid 1960's, the Regional Development Program of the OAS began to pioneer the integrated planning of physical and socio-economical resources for the development of defined regions.

---

87 Id. at Exhibits C and D.
88 For a detailed review of the wide range of unpublished reports on technical assistance missions, studies and prefeasibility reports compiled annually by the Organization, at the request of its member governments, see O.A.S. G.S., 1974-1976 Catálogo de Informes y Documentos Técnicos de la OEA, SG/Ser. A/III.1 (1978).
within and across national boundaries, as in river basins and frontier zones.\(^9\) Today the Program specializes in helping the countries design regional development strategies and formulate bankable projects to implement these strategies.\(^{10}\) The recent selection of the OAS by Brazil and the United Nations Development Programme (UNDP) to manage over $11 million for a study of the Upper Paraguay River Basin is testimony to the technical capabilities of the program.\(^{11}\) Similarly, the UNDP allocated $1.3 million and full management responsibility to the OAS for the Pilcomayo River Basin, which involved Argentina, Bolivia, and Paraguay.\(^{12}\)

In the field of education, the Organization has concentrated on modernizing the education infrastructure, improving curriculum, textbooks, and teaching methods, as well as promoting the use of advanced education technology instruments such as educational TV and audio-visual facilities. The focus of attention is to accelerate the improvement of the quality of the education of the lesser developed countries by providing access to the talent, capabilities, and advances of the larger nations.\(^{13}\) Such cooperation among nations with similar language and cultural heritage is especially important in education where the problems and patterns are often comparable. The program has also given priority to upgrading administrative capabilities within the education ministries, and to subsidizing regional education journals devoted to curriculum development.\(^{14}\)

International trade is another prime area of development. The mechanisms to expand trade and harmonize the legal infrastructure for trade are a major concern of the member governments, especially where access to U.S. markets is involved. After some forceful leadership by the Comisión Económica para América Latina (CEPAL) under Raúl Prebisch in the 1950’s, the principal hemispheric efforts to provide direct assistance to

---


\(^{13}\) See Allard, La Primera Década del PREDE: Perspectivas Futuras, 22 LA. EDUCACIÓN 3 (1978).

\(^{14}\) The O.A.S. publishes and distributes several journals on education including: LA. EDUCACIÓN, discussing recent educational trends and innovations in the Americas; CURRICULUM, a quarterly published by the Multi-National Program on Training of Teachers in the Simón Bolívar University in Venezuela; TECHNOLOGIA EDUCATIVA, published by the Multi-National Project in Educational Technologies in Chile; and Revista Interamericana de Educación de Adultos.
enable the nations to establish their own export promotion agencies resulted from the efforts of CIAP in the mid-1960's. Today virtually every Latin American government has such an agency. With the successful completion of that operation, the OAS export promotion agency, the Inter-American Export Promotion Center, was recently dismantled. At present, the commerce and trade program of the OAS centers on the Special Committee on Consultation and Negotiation (CECON), which is responsible for maintaining a continuing dialogue between Latin America and the United States on trade issues. Through the channel of CECON, Latin America maintains ad hoc groups on special trade issues, presents requests for inclusion in the general system of preference (GSP) of the United States, and monitors a GSP alert system. Restrictions on the meat and sugar markets have been the major agenda items as the countries maintain dialogue to understand each other's constraints in balancing their national and international interests.

In rural development, the OAS has developed a unique interdisciplinary approach which concentrates on integrated micro-level projects that combine food production with rural industries, municipal development, health, community organization and physical infrastructure. The program's inter-disciplinary teams serve to bolster national efforts in project preparation for financing. Currently, OAS teams are assisting in the preparation of projects which will command almost half a billion dollars for rural development from both national and international financial sources.

The science and technology programs of the OAS are devoted to improving the infrastructure in order to develop indigenous Latin American technologies in basic and applied sciences. The programs are recently cited for their significant contribution to the establishment of centers of excellence in scientific and technological research in Latin America, principally through assistance to existing Latin American technological institutions. Leading professors and researchers, including Nobel and Housay Prize winners of Latin America, have benefited from OAS funding for facilities and equipment to expand research and to open courses to students from other American countries.

The major emphasis in technology has been on coordinating efforts among the nations in applied sciences in order to effect economic and

---

social development. Multinational centers have been established in fields such as metallurgy, wool technology, sugar cane by-products, unicellular proteins, coking and gasification of coal, animal genetics, pulp and paper technologies, canning, the ecology of semi-arid regions, and nuclear and solar energy. These programs have encouraged additional international collaboration as well as produced direct results. For example, the biopharmaceutical evaluation project, which involved Chile, Costa Rica, Mexico and Panama, was designed to share technology for evaluating the purity and content of commercial drugs, a role similar to that of the Food and Drug Administration in the United States. The project attracted the interest of health authorities.\(^{110}\) Even with the recent phase-out of the OAS support, the laboratories continue to operate together.\(^{111}\)

Another focus has been the field of science policy. Ten years ago, scarcely any Latin American government had agencies concerned with science policy. Today, due in large measure to OAS prodding and assistance, virtually all do.\(^{112}\) In addition, the program has attempted to achieve economies in filling the need for expensive teaching material for high schools and colleges by sponsoring publication of low-cost scientific monographs for students throughout the Americas.\(^{113}\)

Public sector programs have concentrated on the management of major capital projects and have sought to strengthen the offices of project management in the ministries of planning and finance. Examples include customs evaluation techniques in Bolivia, new teleprocessing systems for national budget control in Costa Rica, tax inspection systems for Chile, a reform of the income tax law in Guatemala, assistance to Mexico to implement the Brussels Customs System, the reorganization of the customs administration of Nicaragua, and the drafting of a value-added tax system for Panama.\(^{114}\) In social development, the Conferences of Latin American Labor Ministers have concentrated on strengthening the infrastructure of the labor movement in Latin America.\(^{115}\) The technical assistance projects of the Organization have built teams of economists and statisticians oriented to employment and labor issues within the Labor Ministries of the hemisphere.\(^{116}\) The persistence of the Organization in

\(^{110}\) Id. at 41.
\(^{111}\) Id.
\(^{112}\) See id. at 27.
\(^{113}\) Id. at 87-90, app. 2.
\(^{115}\) See, e.g., O.A.S. G.S., Administración de Personal en las Instituciones de Seguridad Social, (Manuales Técnicos XVII 1975).
stressing the need for workers' banks was the prime factor in overcoming opposition to these savings institutions for low-income workers.

The story could go on, but the point is the same. Joint action through international channels has served an important function. The state of awareness in a wide range of critical fields has measurably increased as a result of training thousands of technicians to tackle their own problems. New facilities and mechanisms also have been developed as a result of the spirit of cooperation which is found in the regional institutions.

VI. Conclusion

The infrastructure for a world which functions under the rule of law requires a constant stream of assistance to overcome bottlenecks that make the major investments impossible. While many contrast the role of regional and global efforts, strong arguments advocate the advantages derived from encouraging people of close geographic proximity or similar cultural backgrounds to work on mutual problems. There is an essential complementarity of the efforts. As no national government would try to manage its national problems without different jurisdictions for different functions, the architects of our international organizations must seriously consider how structures on multiple levels can be designed to interact with and complement each other. The potential role of regional efforts in experimenting with new solutions has yet to be exploited.

While it is impossible to measure utility or productivity by conventional means, the value of regional action spills over into many areas. Firstly, it is the rudimentary beginning of the practice of democracy among nations. Unlike the United Nations where the legitimacy of the institutions framed in a world dominated by colonial powers is being severely tested, the equality of states has been the cornerstone of the regional organization since its inception. Carefully cherished by the Latin American nations, it is a strong source of potential and continuing vigor.

Secondly, virtually every program of the OAS in the field of development activity is a product of horizontal cooperation. The most qualified talent is hired and trained in Latin America for work in other Latin American countries. The entire concept of the regional organization echoes the expression of the nations of the hemisphere to provide resources to help each other.

Thirdly, the type of technical assistance, which is directed primarily

to the small, highly-focused project, appears to be intrinsically efficient and economical. The solution of development problems does not necessarily respond to massive inputs. Rather it requires patient and continuing technical assistance. Evidence suggests that the basic international function of a catalytic agent, which injects new ideas, is more efficiently operated from the small, low-cost mission of the regional agencies closer to the scene of action than it is from larger, more glamorous efforts. The cultural affinities of the persons who provide the technical assistance help adapt ideas in a process that results in greater absorption. The disappointment of imported technical assistance missions which try to graft foreign remedies on unprepared national institutions is well known. The ability to mobilize and work within a relatively homogeneous cultural ambient is one of the great values of regional action when it comes to specific programs to implement policy guidelines.

Finally, the vision recognizes that the hemisphere cannot achieve real peace and prosperity unless the United States is integrated as part of the process. While some argue that U.S. paternalism hinders the effort, the United States is acutely aware of the problem. This suspicion will be a factor with or without the organized regional effort. If we have to live together, the rule of law applied inclusively among all the nations of the hemisphere is a valid goal.

Thus, the process may be slow but it is time to stop looking at our network of international organizations as an abstraction. Performance on all levels reveals a growing list of important precedents. The hemisphere requires a mechanism to promote positive actions in the realm of social and economic progress as well as peace-keeping and international law. Regional activities which are intelligently related to global efforts offer an important opportunity to achieve a real break-through in the way we organize our international business to the benefit of the nations and the people of the world. The OAS deserves a harder and closer look. The American vision is more than a mirage.
APPENDIX

INTER-AMERICAN SYSTEM

I. Governmental Organizations Related to the OAS

1. Inter-American Children's Institute
2. Inter-American Committee on Peaceful Settlement
3. Inter-American Commission of Human Rights
4. Inter-American Commission of Women
5. Inter-American Court of Human Rights
6. Inter-American Defense Board
7. Inter-American Indian Institute
8. Inter-American Institute of Agricultural Cooperation
9. Inter-American Judicial Committee
10. Inter-American Nuclear Energy Commission
11. Inter-American Statistical Institute
12. Pan American Health Organization
13. Pan American Institute of Geography and History

II. Government Organizations not Part of the OAS

1. Banco Latinoamericano de Exportaciones (BLADEX)
2. Caribbean Community (CARICOM)
3. Caribbean Development Bank (CDB)
4. Central American Bank of Economic Integration (CABEI)
5. Corporación Andina de Fomento (CAF)
6. Grupo Andino
7. Inter-American Development Bank (IDB)
8. Latin American Institute for Economic and Social Planning (ILPES)
9. Latin American Free Trade Association (LAFTA)
10. Latin American Organization of Energy (OLADE)
11. Organization to Prohibit Nuclear Proliferation (OPANAL)
12. Organization of Central American States (ODECA)
13. Pan American Railway Congress
14. Permanent Secretariat of the General Treaty for Central American Economic Integration (SIECA)
15. Sistema Económico Latinoamericano (SELA)
16. Asistencia Recíproca Petrolera Estatal Latinoamericana (ARPEL)
17. Comisión de Integración Eléctrica Regional (CIER)
18. Oficina Panamericana del Café (OPC)
19. Centro de Estudios Monetarios Latinoamericanos (CEMLA)
20. Instituto Latinoamericano de Planificación Económica y Social (ILPES)
III. Non-Governmental and Other Organizations

1. Alianza Panamericana de Médicas (Pan American Medical Alliance)
2. American Library Association (ALA)
3. American Union of Occupational Medicine
4. American Association of Port Authorities
5. American Road Builder's Association (ARBA)
6. Association of Latin American Workers
7. Association of American Chambers of Commerce in Latin America
8. Asociación Americana de Profesionales Aduaneros (ASAPRA)
9. Central American Institute of Public Administration (ICAP)
10. Central American Research Institute for Industry (ICAITI)
11. Cocoa Producer's Alliance (COPAL)
12. Coordination of Latin American Workers
14. Dental Federation of Central America and Panamá
15. Ibero-American Municipal Organization
16. Ibero-American Social Security Organization
17. Ibero-American Bureau of Education (OEI)
18. Institute for Latin American Integration (INTAL)
19. Inter-American Association of Broadcasters (IAAB)
20. Inter-American Association of Sanitary Engineering (AIDIS)
21. Inter-American Bar Association
22. Inter-American Commercial Arbitration Commission
23. Inter-American Federation of Public Relations Associations
24. Inter-American Federation of the Construction Industry
25. Inter-American Federation of Touring and Automobile Clubs
26. Inter-American Copyright Institute
27. Inter-American Cooperative Finance Development Society
28. Inter-American Regional Organization of Workers
29. Inter-American Planning Society
30. Inter-American Hotel Association (IAHA)
31. Inter-American Council of Commerce and Production
32. Inter-American Safety Council
33. Inter-American Savings and Loan Association
34. Latin American Association of Development Financing Institutes (ALIDE)
35. Latin American Association of Physiological Sciences (ALACF)
36. Latin American Association of Plant Sciences (ALCA)
37. Latin American Banking Federation (FELABANK)
38. Latin American Centre for Physics (CLAF)
39. Latin American Demographic Center (CELADE)
40. Latin American Institute for Educational Communication
41. American Railways Association
42. Latin American Confederation of Tourist Organizations
43. Latin American Confederation of Young Men's Christian Associations
44. Latin American Faculty of Social Sciences
45. Mutual Assistance of the Latin American Government Oil Co.'s (ARPEL)
46. Organization of the Cooperatives of America (OCA)
47. Pan American Association of Opthamology
48. Pan American Standards Commission (COPAND)
49. Pan American Council of the International Committee on Scientific Management
50. Pan American Federation of Architects Association
51. Pan American Development Foundation
52. Pan American Federation of Engineering Societies
53. Asociación Latinoamericana de Armadores (ALAMAR)
54. Asociación Latinoamericana de Fabricantes de Materiales Refractorios (ALAFAR)
55. Asociación Latinoamericana de la Industria Eléctrica y Electrónica (ALAINEE)
56. Asociación Latinoamericana de Industriales de Conservas Alimenticias (ALICA)
57. Asociación Latinoamericana de Industriales del Plastico (ALIPLAST)
58. Consejo Interamericano de Comercio y Producción (CICYP)
59. Federación de Cámaras y Asociaciones Industriales Centroamericanas (FECAICA)
60. Federación Latinoamericana de Asociaciones de Consultoría (FELAC)
61. Instituto Latinoamericano del Fierro y el Acero (ICAFA)
62. Unión Latinoamericana del Embalaje (ULADE)
63. Centro Latinoamericano de Documentación Económica y Social (CLADES)
64. Consejo Latinoamericano de Ciencias Sociales (CLASCO)
65. Facultad Latinoamericana de Ciencias Sociales (FLASCO)
66. Caribbean Industrial Research Institute (CARIRI)
67. Instituto para la Integración de América Latina (INIAL)
68. Programa de Estudios Conjuntos Sobre Investigación Económica Latinoamericana (ECIEL)