

Charter of the Organization of American States
CHAPTER IV
Fundamental Rights and Duties of States

Article 45

The Member States, convinced that man can only achieve the full realization of his aspirations within a just social order, along with economic development and true peace, agree to dedicate every effort to the application of the following principles and mechanisms:

- a) All human beings, without distinction as to race, sex, nationality, creed, or social condition, have a right to material well-being and to their spiritual development, under circumstances of liberty, dignity, equality of opportunity, and economic security;
- b) Work is a right and a social duty, it gives dignity to the one who performs it, and it should be performed under conditions, including a system of fair wages, that ensure life, health, and a decent standard of living for the worker and his family, both during his working years and in his old age, or when any circumstance deprives him of the possibility of working;
- c) Employers and workers, both rural and urban, have the right to associate themselves freely for the defense and promotion of their interests, including the right to collective bargaining and the workers' right to strike, and recognition of the juridical personality of associations and the protection of their freedom and independence, all in accordance with applicable laws;
- d) Fair and efficient systems and procedures for consultation and collaboration among the sectors of production, with due regard for safeguarding the interests of the entire society;
- e) The operation of systems of public administration, banking and credit, enterprise, and distribution and sales, in such a way, in harmony with the private sector, as to meet the requirements and interests of the community;
- f) The incorporation and increasing participation of the marginal sectors of the population, in both rural and urban areas, in the economic, social, civic, cultural, and political life of the nation, in order to achieve the full integration of the national community, acceleration of the process of social mobility, and the consolidation of the democratic system. The encouragement of all efforts of popular promotion and cooperation that have as their purpose the development and progress of the community;
- g) Recognition of the importance of the contribution of organizations such as labor unions, cooperatives, and cultural, professional, business, neighborhood, and community associations to the life of the society and to the development process;
- h) Development of an efficient social security policy; and
- i) Adequate provision for all persons to have due legal aid in order to secure their rights.

OEA/Ser.P
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6 June 2000
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RESOLUTION

MEASURES TO ENCOURAGE THE TIMELY PAYMENT OF QUOTAS

(Resolution adopted at the fourth plenary session, held on June 6, 2000)

THE GENERAL ASSEMBLY,

HAVING SEEN the Report of the Permanent Council on Measures to Encourage the Timely Payment of Quotas (CP/doc.3319/00);

CONSIDERING:

That Article 55 of the Charter requires each member state to "contribute to the maintenance of the Organization" by way of a quota established by the General Assembly;

That Article 102 of the General Standards to Govern the Operations of the General Secretariat of the Organization of American States ("General Standards") adopted by the General Assembly establishes that quotas "shall be annual . . . , paid within the deadline established during the year in question, and shall be considered due on the first day of the corresponding fiscal period," and that Article 103 of the General Standards specifies that quota payments "shall be credited against the balance pending from the earliest fiscal period for which the money is owed," unless the Permanent Council agrees otherwise;

That the lack of available resources resulting from the failure of many member states to make quota payments on a timely and predictable basis not only undermines the operation of the General Secretariat, but also the viability and image of the Organization as the principal forum in the hemisphere for establishing policy and partnership for development;

That in recognition of the need to encourage more timely payment of quotas and the payment of arrearages, the General Assembly, by resolutions AG/RES. 1631 (XXIX-O/99), AG/RES. 3 (XXV-E/98), AG/RES. 1593 (XXVIII-O/98) and AG/RES. 1529 (XXVII-O/97), has instructed the Permanent Council to prepare a study on the merits of establishing a comprehensive system of measures for encouraging member states to pay the Regular Fund quotas in full and on time, and to submit that study, together with specific recommendations, to the General Assembly; and

That by AG/RES. 3 (XXV-E/98), the General Assembly adopted measures to encourage the timely payment of quotas and arrearages; and that pursuant to its mandate under resolution AG/RES. 1631 (XXIX-O/99), the Permanent Council has evaluated those measures and with due regard for the fundamental rights and duties of States under Chapter IV of the Charter, has recommended additional measures and modification of those implemented by that resolution;

CONSIDERING that there are other reasonable measures for encouraging the timely payment of quotas which require a more thorough evaluation by the Permanent Council,

RESOLVES:

1. To adopt the measures to encourage the timely payment of quotas set out in the Annex A to this resolution, which shall supercede all previous corresponding measures adopted for that purpose.
2. To instruct the Permanent Council:
 - a. to continue evaluating the merits of adopting the five proposals set out in Annex B of this Resolution, that were also set out in the Annex to the Draft Resolution entitled "Measures to Encourage the Timely Payment of Quotas, AG/doc/ 3871/00 Corr.1 (May 30, 2000), and which were pending consensus;
 - b. to examine additional measures to encourage the timely payment of quotas; and
 - c. to present a status report to the Special Session of the General Assembly to meet no later than October 15, 2000, for the purpose of adopting the 2001 Program Budget.
3. To instruct the General Secretariat to include in its monthly report to the Permanent Council on quota payments the list of countries in each category as defined in Annex A of this resolution.

4. To instruct the Permanent Council to report to the thirty-first regular session of the General Assembly on the implementation of this resolution.

ANNEX A

MEASURES TO ENCOURAGE THE TIMELY PAYMENT OF QUOTAS

A. Definitions

1. "current:" A member state is "current" when it is up to date with all payments to the Regular Fund in accordance with its obligations to pay quota assessments under Articles 102 and 103 of the General Standards. For the purposes of this provision, quotas are due and payable on the first day of the corresponding fiscal period. Similarly, as an exception to Article 102 of the General Standards, member states that pay their quotas in full by April 30th, are current. After that date, quotas are past due until paid in full.

2. "considered current." A member state is "considered current" when:

a. It is no more than two (2) years in arrears, has entered into a payment plan with the General Secretariat by April 30 of the current fiscal year for the payment of those arrears, and is in compliance with those terms. Any payment plan which extends the payment period for more than two years must be approved by the Permanent Council, upon the recommendation of its Committee on Administrative and Budgetary Affairs ("CAAP"). For purposes of this provision, a Member State will be considered two years in arrears during the current fiscal period if by May 1 of that period, it owes two years of quota assessments (that is, the assessment for the current fiscal period and an amount equal to or greater than the assessment for the immediately prior fiscal period).

b. It has not satisfied the requirements of the preceding provisions, but the Permanent Council has determined, after hearing the member state, that the State is not able to make payments in accordance with a satisfactory payment plan or as otherwise owed due to circumstances beyond its control. Examples of those circumstances include, but are not limited to: natural disasters within the last thirty-six months having a substantial and unforeseen impact on the state's capacity to generate revenue to satisfy public obligations; a state of armed conflict within the last thirty-six months requiring the debtor state to divert an unforeseen and substantial amount of its revenues to self-defense; circumstances of a similar nature which in the judgment of the member states prevent a member state from satisfying its debt to the Organization without creating severe and undue hardship for that state. The Permanent Council shall examine each case on its own merits. Past precedents established by the Permanent Council, while not binding, shall be taken into account.

3. "Not current:" A member state is "not current" when it does not fall within the definition of "current" or "considered current" above.

4. "Years in arrears:" This is the number of years for which quotas are still owed by a member state as of May 1 of the current fiscal period, regardless of whether the member state has entered into a payment schedule and is in compliance with that schedule.

B. Measures

1. Member states that pay all their quota assessment for the current fiscal period by April 30 of that period are entitled to the following discounts: 3% of the amount paid by January 31; 2% of the amount paid between February and April 30. The discount shall be applied to the quota assessment for the next fiscal period.

2. Only member states that are "current" or "considered current" shall be eligible to host meetings (including, but not limited to, conferences, meetings of ministers and experts, workshops, and seminars) of the Organization directly funded, in whole or in part, by the Regular Fund.

3. The following procedures shall apply to elections to positions conducted by the General Assembly or by the Councils of the Organization:

- a. When circulating to the member states documents presented by a member state nominating a candidate the General Secretariat shall indicate in the transmittal notice whether the nominating member state is "current," "considered current," or "not current;"
- b. Within one week prior to holding the election, and again, immediately prior to taking the corresponding vote, the General Secretariat shall circulate a statement among all delegations indicating the countries which are "current," "considered current," and "not current." The statement shall also show the number of years each such country is in arrears. No vote shall be held until this information has been circulated and the delegations so notified; and
- c. The respective electing organ can specifically take into account the condition of those states which are "not current."

4. At the beginning of each quarter of the fiscal year, the General Secretariat shall send to each Foreign Minister of each member state, through its Permanent Representative to the Organization, a letter and statement of accounts setting out the amount of any quotas owed, requesting prompt payment of quotas past due under a payment plan or otherwise not timely paid, and describing the benefits they receive from making those payments.

5. In his meetings with heads of State and Government, with Ministers of Foreign Affairs, and Ministers of Finance of member states which are "not current," the Secretary General shall remind them, as appropriate, to pay their past due quota assessments, and shall make quarterly reports to the Permanent Council on those discussions and other initiatives taken towards the timely collection of quotas.

C. Exceptional forms of Payment

The General Secretariat may negotiate arrangements with member states that are "not current" for the payment in national currency, real estate, or other valuable assets, of quotas more than five years in arrears. Those arrangements shall enter into force only upon approval by the Permanent Council, upon the advice of its Committee on Administrative and Budgetary Affairs, and only upon a determination that:

- a. In the case of national currency or other valuable assets, the General Secretariat will not be financially prejudiced by the acceptance of that currency; and
- b. In the case of real estate, the General Secretariat will, over a reasonable time, earn income or generate savings from the property in occupancy, use, sale, or rental of the property in an amount equal to or greater than the corresponding arrears.

D. Transitory Provision for Member States More than Five Years in Arrears

1. Member states in arrears for more than five years as of December 31, 1999 shall be "considered current" until December 31, 2002, provided they do all of the following:

- a. Pay the quotas for the 2000 fiscal period by August 31, 2000, or otherwise enter into a payment Plan with the General Secretariat by that same date for the payment of those quotas by December 31, 2000;
 - b. Enter into a payment plan with the Secretariat by August 31, 2000, to pay by December 31, 2002 the quotas owed for the 1998 and 1999 fiscal periods.
 - c. Enter into a payment plan with the General Secretariat by December 31, 2000, for the payment of the amounts owed for fiscal years prior to 1998, and if that plan involves payments in local currency or real estate, obtain the necessary approval of the Permanent Council by that date. This payment plan must provide for a final payment of those amounts owed no later than December 31, 2005.
 - d. Pay the quotas for 2001 fiscal period by April 30 of that year, or otherwise enter into a payment Plan with the General Secretariat by that same date for the payment of those quotas by the following December 31.
 - e. Pay the quotas for 2002 fiscal period by April 30 of that year, or otherwise enter into a payment Plan with the General Secretariat by that same date for the payment of those quotas by the following December 31.
 - f. Remain in compliance with the foregoing payment plans.
2. For purposes of facilitating compliance with the requirements of the foregoing section, member states wishing to qualify as "considered current" under that provision may designate the percentage of each payment made which they wish to have credited to the current fiscal period, and as a special exception to Article 103 of the General Standards permitted hereunder, the General Secretariat will credit that payment in accordance with the member state's designation.
3. The Permanent Council shall, at the request of any member state which is "considered current" under this Transitory Provision, extend the "considered current" status of that state beyond the year 2002, provided the state continues to pay or otherwise enter into a Payment Plan for the payment of quota assessments in each subsequent fiscal period for that period and remains in compliance with that Plan and the payment plans for the pre-1998 quotas past due.
4. Member states that have agreed to payment plans with the General Secretariat for the payment of past due quotas prior to the adoption of this resolution and which are in compliance with these plans on the date of this resolution shall be "considered current," for as long as they remain in compliance.

ANNEX B

MEASURES PENDING FURTHER EVALUATION AND CONSENSUS

1. Only those member states that are "current" or "considered current" shall be eligible to use for hosting or sponsoring social and cultural events in the Hall of the Americas and other General Secretariat facilities without being required to reimburse the Regular Fund, through the General Secretariat, the full operating costs associated with that use; however, this provision shall not apply to the use of those facilities for the celebration of a member state's national day or national week.
2. Fellowships financed by the Regular Fund shall be available only to nationals and residents of member states that are "current" or "considered current."

3. Except as expressly provided in Article 81 of the Charter, only those member states that are "current" or "considered current" shall be eligible to serve as chairpersons and vice chairpersons of Committee of the Councils or to have members of their delegations serve in those posts.

4. Only those member states that are "current" or "considered current" shall be eligible to nominate candidates for Secretary General and Assistant Secretary General, and only nationals of member states that are "current" or "considered current" shall be eligible for election to those posts.

5. Only those member states that are "current" or "considered current" shall be eligible to nominate candidates for the Administrative Tribunal and the Board of External Auditors, and only nationals of member states that are "current" or "considered current" shall be eligible for election to serve on those entities.

**GENERAL STANDARDS TO GOVERN THE OPERATIONS OF THE GENERAL
SECRETARIAT
CHAPTER VII
BUDGET EXECUTION**

Article 106. Notification and Payment of Quotas and of Pledges of Voluntary Contributions.

Within forty-five days following approval of the program-budget by the General Assembly, the Secretary General shall transmit to the governments of the Member States the corresponding decisions with the information on their quota assessments and on pledges made to FEMCIDI.

The Regular Fund quotas and the pledges to FEMCIDI shall be annual. Regular Fund quotas shall be paid within the deadlines established during the year in question, and shall be considered due on the first day of the corresponding fiscal period. Pledges to FEMCIDI shall be made and paid within the deadlines established in the Statutes of FEMCIDI.

Although the pledges to FEMCIDI are voluntary, each Member State, in making its pledge, assumes the commitment to pay it, and once the payment has been made, is entitled to use FEMCIDI resources, as established in the FEMCIDI Statutes.