FIFTY-FIRST REGULAR SESSION OEA/Ser.P

November 10 to 12, 2021 AG/INF.743/21

Guatemala City, Guatemala 12 November 2021

VIRTUAL Original: Spanish

NOTE FROM THE PERMANENT MISSION OF MEXICO REGARDING
THE INCLUSION OF A FOOTNOTE IN DOCUMENTS OF THE FIFTY-FIRST REGULAR SESSION OF THE OAS GENERAL ASSEMBLY

***PERMANENT MISSION OF MEXICO***

**No. 0EA3754**

**Exp. 2.2.0.3**

The Permanent Mission of Mexico to the Organization of American States (OAS) presents its compliments to the President of the General Assembly and wishes to refer to the Report of the Secretary General on the credentials of the delegations taking part in the fifty-first regular session of the General Assembly of the Organization, as well as to the minutes and documents emanating from said regular session.

In that regard, further to the announcement made by the delegation of Mexico during the consideration of item 4 of the Agenda of the General Assembly, “Report of the Secretary General on Credentials,” on November 11, 2021, the Mission kindly requests the inclusion in the Report of the Secretary General on Credentials and in all records and documents emanating from the fifty-first regular session of the General Assembly of a footnote containing the text in the annex hereto.

The Permanent Mission of Mexico to the Organization of American States avails itself of this opportunity to convey to the President of the OAS General Assembly the renewed assurances of its highest consideration.

Washington, D.C., November 11, 2021

President of the fifty-first regular session

 of the General Assembly

Organization of American States

Washington, D.C.

Annex

Mexico once more notes with concern inconsistencies and irregularities in the Report of the Secretary General on the presentation of credentials of the delegations taking part in the fifty-first regular session of the General Assembly of the Organization of American States (OAS), which result in acts contrary to international law.

In light of the foregoing, the Government of Mexico wishes to state that the accreditation of delegations participating in the General Assembly represents (1) an act of a declaratory nature whose validity issues from the membership granted to the State concerned; (2) is limited to the material scope of the participation of that delegation in the work of the corresponding body; and (3) does not accord special rights to any government or State in contravention of the provisions of the Charter of the OAS or international law.

The accreditation of any person claiming to represent the Venezuelan State in the framework of the OAS is an act in breach of international law, since the Bolivarian Republic of Venezuela denounced the Charter of the Organization in April 2017, with the result that said Charter ceased to have any effect on that country since April 2019. The legal relationship that Venezuela retains with the Organization is limited, according to the provisions of Article 143 of the Charter, to international obligations pending fulfillment.

The recognition of governments is a sovereign act of States, not of international organizations. The OAS does not possess, nor can it arrogate to itself, powers of collective recognition enforceable as to membership, and therefore any act with such a purpose is beyond the scope of its competence and is null and void.

Therefore, so long as any person remains accredited as Representative of the Bolivarian Republic of Venezuela to the OAS based on *ultra vires* acts, Mexico will continue to participate and exercise its prerogatives and rights within its organs, agencies, and entities; however, that should not be construed as acquiescence in the recognition of any government.

Accordingly, Mexico declares that it will exercise its right to maintain or suspend diplomatic relations with any country, without qualifying the right of any nation to accept, keep, or change its governments or authorities and without that impacting its participation as a member state of the OAS, nor does it represent any recognition of governments of the Hemisphere.

Consequently, Mexico reserves the right to question the validity of acts and decisions emanating from the organs, agencies, and entities of the Organization when they are contrary to international law, and to express that such acts and decisions are not enforceable upon it where they overstep the scope of competence of the Organization, without prejudice to its rights and obligations as a member state of the Organization.

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