OEA/Ser.G

CP/RES. 1196 (2377/22)

13 May 2022

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THE SEIZURE OF OAS OFFICES IN NICARAGUA

(Adopted by the Permanent Council at its special meeting, held on May 13, 2022)[[1]](#footnote-1)/

THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES:

MINDFUL of the Agreement on Privileges and Immunities of the Organization of American States, adopted on May 15, 1949 to which Nicaragua acceded on October 31, 1960, particularly Chapter 1, Articles 2, 3 and 4, which provide, inter alia, that the premises of the Organization, its archives and all documents belonging to it “shall be inviolable” and that its property and assets “shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action”;

RECALLING Article 133 of the Charter of the Organization of American States which provides that the Organization “shall enjoy in the territory of each Member such legal capacity, privileges, and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes…”;

FURTHER RECALLING the Agreement of October 2, 1989, between the Government of Nicaragua and the Organization of American States (OAS) by which the Government of Nicaragua accorded full privileges and immunities to the diplomatic premises of the Organization in Nicaragua, including its inviolability;

COGNIZANT of the exhortations of Member States to the Government of Nicaragua, contained in all previous statements, resolutions and mandates by the General Assembly and the Permanent Council, in support of adherence to the principles of the governing Charters to which member states committed;

AWARE of the notice of denunciation of the Charter of the Organization of American States submitted by the Government of Nicaragua on November 18, 2021;

CONSCIOUS that the legal obligations of the Government of Nicaragua under the Charter remain in force until the effective date of Nicaragua’s withdrawal on November 18, 2023;

EXPRESSING serious concern that the violation of inviolability and protection of diplomatic missions and personnel has happened in our region;

AFFIRMING the obligation of all States to ensure respect for the privileges and immunities of diplomatic missions, in accordance with international law, as a fundamental and crucial requirement for peaceful relations between States; and

EMPHASIZING the duty of States to take all appropriate measures, as required by international law, in a timely manner, for the protection of diplomatic and consular missions and representatives as well as missions and representatives to international intergovernmental organizations and officials of such organizations, including measures of a preventive nature, and to bring offenders to justice,

RESOLVES:

1. To strongly condemn the unlawful entry into the premises of the Organization of American States and the seizure of its property in Managua, Nicaragua on Sunday, April 24, 2022, in violation of the Government of Nicaragua’s legal obligations.
2. To deplore the violation of the inviolability of the archives of the Organization and insist that the immunity of its property be fully respected while in Nicaragua.
3. To demand that the use of the premises seized by the Government of Nicaragua be immediately restored to the Organization.
4. To underscore that the Government of Nicaragua is responsible for all failures to comply with its international legal obligations in this regard.
5. To instruct the Secretary General of the OAS to transmit this resolution to the Government of Nicaragua, and to the heads of all international organizations with a presence in Nicaragua, as well as to the Secretary General of the United Nations.
6. To remain seized of this issue and to consider further action as may become necessary.

FOOTNOTE

1. ... in Nicaragua should be added to precedents set, wherein the inviolability and protection of the premises of diplomatic missions and their personnel in the region was violated, as occurred during the siege of the Embassy, Residence, and diplomatic personnel of Mexico in Bolivia by security forces of the latter country, between November 2019 and October 2020.

With regard to the fourth paragraph of the preamble, Mexico wishes to make it clear that not all member states of the Organization of American States have supported previous declarations, resolutions, and mandates of the General Assembly and of the Permanent Council, as this wording suggests.

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1. . The Government of Mexico wishes to express its grave concern that the break-in at the premises of the Office of the General Secretariat of the Organization of American States (OAS) ... [↑](#footnote-ref-1)