

No. 7399

GUATEMALA, HONDURAS and NICARAGUA

**Agreement on the establishment and operation of the
Central-American Defence Council. Signed at Guatemala
City, on 14 December 1963**

Official text: Spanish.

Registered by Guatemala on 28 August 1964.

GUATEMALA, HONDURAS et NICARAGUA

**Accord relatif à la création et au fonctionnement du Conseil
de défense de l'Amérique centrale. Signé à Guatemala,
le 14 décembre 1963**

Texte officiel espagnol.

Enregistré par le Guatemala le 28 août 1964.

[TRANSLATION — TRADUCTION]

No. 7399. AGREEMENT¹ ON THE ESTABLISHMENT AND OPERATION OF THE CENTRAL-AMERICAN DEFENCE COUNCIL. SIGNED AT GUATEMALA CITY, ON 14 DECEMBER 1963

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

Considering that they are a geographical unit for purposes of continental defence, and aware of the obligations which they have assumed in accordance with the Charter of the United Nations, the Charter of the Organization of American States,² the Charter of the Organization of Central-American States,³ the Inter-American Treaty of Reciprocal Assistance⁴ and other international instruments for the common defence and the maintenance of the peace and security of the American continent,

CONSIDERING :

That the integration of the countries of the Central-American Isthmus as a single unit within the defence system of the American continent is the most effective way of fulfilling their obligations, of assuring peace through adequate means, of providing for effective reciprocal assistance to meet armed attacks, and of dealing with threats of aggression,

CONSIDERING :

That the Republics of the Central-American Isthmus base their institutions on the democratic system, in which they find complete satisfaction for the ideals of a better life, and that joint action is required in order to preserve that system in the Isthmus and to defend it against the forces which are attempting to destroy it by violence and the infiltration of totalitarian ideas,

¹ In accordance with article 21, the Agreement came into force on 18 May 1964, the date of deposit of the third instrument of ratification, in respect of the following States on behalf of which the instruments of ratification were deposited with the Government of Guatemala on the dates indicated :

Guatemala	24 January 1964
Nicaragua	7 April 1964
Honduras	18 May 1964

² United Nations, *Treaty Series*, Vol. 119, p. 3 ; Vol. 134, p. 388 ; Vol. 171, p. 419 ; Vol. 186, p. 322 ; Vol. 209, p. 338 ; Vol. 233, p. 304, and Vol. 377, p. 400.

³ United Nations, *Treaty Series*, Vol. 122, p. 3.

⁴ United Nations, *Treaty Series*, Vol. 21, p. 77 ; Vol. 26, p. 417 ; Vol. 82, p. 330, and Vol. 209, p. 330.

CONSIDERING :

That the permanently aggressive character of the international communist movement constitutes today more than ever before, a grave and immediate threat to the peace and security of the Isthmus States, and that the subversive action of that movement, profiting by the principle of non-intervention so deeply rooted in America, is causing unrest among the peoples of the Isthmus and endangering the freedom and democracy on which their institutions are based,

CONSIDERING :

That the armed forces or their equivalents in the Central-American Isthmus constitute an important factor in the social, cultural and economic development of its peoples and can, by their structural organization, effectively help to combat the dissemination and effect of alien ideas, and that they should combine their efforts in defence of the democratic interests, freedom and institutions of their peoples, and of human rights,

NOW THEREFORE :

The High Contracting Parties, in accordance with the resolutions adopted at the first meeting of Central-American Defence Ministers held at Antigua in 1956, at the first meeting of the Special Combined Commission held at San Salvador in 1957 and at the first meeting of the Chiefs of Staff of the Central-American Isthmus held at Guatemala City in 1961,

Agree to the establishment of the Central-American Defence Council.

CHAPTER I

THE COUNCIL

Article 1

The Central-American Defence Council shall serve as the highest organ of consultation on questions of regional defence and shall be responsible for the collective security of the participating States.

Article 2

It shall be the duty of the Council to submit to the Governments of the participating States proposals for closer collaboration between those States for the defence of the Central-American Isthmus.

Article 3

The Central-American Defence Council shall consist of the Ministers of Defence, or of officials of the appropriate department equivalent in rank and functions, of the respective participating States.

Article 4

The Defence Council shall be presided over by the member of the country in which it is meeting. Nevertheless, this prerogative is optional and may be declined, in which case the president of the Council shall be elected, by majority vote or the drawing of lots, from among the other members of the Council.

Article 5

The Council shall meet regularly once a year, at a time mutually agreed upon by the members. Special meetings shall be called at the request of any Government of the Central-American Isthmus.

Article 6

If, for exceptional reasons, any member of the Council is unable to attend any of the meetings provided for in the preceding article, he may be represented by a duly accredited and authorized special delegate, who shall have the legal status of member with full powers at the meetings of the Council.

CHAPTER II

THE PERMANENT DEFENCE COMMITTEE

Article 7

The Permanent Defence Committee shall be established as a subsidiary and dependent organ of the Defence Council.

Article 8

The Permanent Committee shall consist of members of the armed forces, or their equivalents, of the signatory countries. Each participating State shall have one representative on the Permanent Committee holding the rank of delegate ; nevertheless, each State may at the same time nominate an alternate delegate and such other personnel as it may deem appropriate.

Article 9

The Permanent Defence Committee shall :

- (1) Act as a General Staff,
- (2) Perform administrative duties.

For the more effective fulfilment of its tasks, the Permanent Defence Committee shall have a General Secretary who shall be appointed by the Committee itself and whose responsibilities shall be defined in the relevant rules of procedure.

Article 10

The Permanent Committee shall be presided over in turn by the delegate of each participating State, in the alphabetical order of the countries, and for a period of one year. During the temporary or permanent absence of the delegate in question, the delegate following him in the order laid down shall take his place. In the case of temporary absence, the titular President's period of office shall not be regarded as interrupted.

CHAPTER III

COLLECTIVE SECURITY

Article 11

Any armed attack by any State whatsoever against a State of the Central-American Isthmus shall be considered as an attack against all the States of the Isthmus, and each one of the said States accordingly undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defence.

Article 12

If the inviolability, the territorial integrity, the sovereignty or the independence of any of the States of the Central-American Isthmus should be affected by an aggression which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of the Central-American Isthmus, the Defence Council shall meet immediately in order to agree on the measures which should be taken, in case of aggression, to assist the victim of the aggression, or on other measures necessary for the common defence and for the maintenance of the peace and security of the Central-American Isthmus.

Article 13

In the cases referred to in articles 11 and 12 and while the Defence Council is dealing with them, each of the participating States may determine the immediate measures which it may individually take in fulfilment of this Agreement, without prejudice to the other obligations laid down in the Inter-American Treaty of Reciprocal Assistance signed at Rio de Janeiro in 1947.

Article 14

When the defence of the Central-American Isthmus so requires, the Governments of the respective participating States shall determine whether the combined use of their armed forces or public security forces, the formation of a Joint General Staff, or unification of Command, are appropriate or opportune.

CHAPTER IV

GENERAL PROVISIONS

Article 15

The resolutions of the Defence Council shall be adopted by unanimous vote and, in order to be binding, shall be approved by the respective Governments.

Article 16

In the Defence Council and in the Permanent Committee, the participating States shall have the right to only one vote.

Article 17

The Defence Council shall normally meet in the different countries of the Central-American Isthmus in turn, in alphabetical order. The seat of the Permanent Committee shall be Guatemala City. Both the Council and the Permanent Committee may be established for a temporary period in any place in the Central-American Isthmus, when special circumstances so require.

Article 18

The Governments of the participating States shall bear the cost of their respective delegations. The necessary cost of the organization and functioning of the Council and the Permanent Committee shall be divided equally between them.

Article 19

The Defence Council shall formulate and approve its own rules of procedure. The Permanent Committee shall formulate its rules of procedure and submit them to the Defence Council for approval. Both sets of rules of procedure shall be approved within sixty days following the date on which this Agreement enters into force.

Article 20

The provisions of this Agreement shall not affect the sovereignty or constitutional procedures of each State ; nor shall they be construed as impairing the rights and obligations of the States of the Central-American Isthmus as Members of the United Nations, of the Organization of American States and of the Organization of Central-American States, or any particular arrangements made by any one of them as a result of specific reservations to existing treaties or agreements.

Article 21

This Agreement shall be ratified in accordance with the constitutional procedures of each of the participating States and shall enter into force for the first three ratifying States when the third instrument of ratification shall have been deposited, and for the remaining States on the date of deposit of their respective instruments.

Article 22

The instruments of ratification shall be deposited at the Ministry of Foreign Affairs of the Republic of Guatemala, which shall notify the other participating States of each deposit.

Article 23

This Agreement shall remain in force indefinitely. Nevertheless, it may be denounced by any of the High Contracting Parties by written notification to the country in which the ratifications have been deposited ; that country shall in its turn communicate such notifications to the other States. One year later the Agreement shall cease to be in force with respect to the denouncing State, but shall remain in full force and effect with respect to the remaining States.

Article 24

In accordance with Article 102 of the Charter of the United Nations, this Agreement shall be registered with the Secretariat of the United Nations.

CHAPTER V

TRANSITIONAL PROVISIONS

Article 25

The Central-American Defence Council shall form part of the Organization of Central-American States upon entry into force of the new Charter of the Organization signed at Panama City on 12 December 1962.

Article 26

The delegations of Costa Rica and Panama having attended as observers and the delegation of El Salvador having entirely reserved its position, this Agreement shall remain open in order that the Republics of Costa Rica, El Salvador and Panama may accede to it, at whatever time they may deem appropriate, by depositing the relevant instruments of accession and ratification.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having communicated to each other their full powers, found in good and due form, sign this Agreement at Guatemala City, capital of the Republic of Guatemala, on the fourteenth day of December nineteen hundred and sixty-three.

For Guatemala :

(Signed) Col. Miguel Angel PONCIANO

For Honduras :

(Signed) Lt. Col. Armando ESCALÓN

For Nicaragua :

(Signed) Col. José Dolores GARCÍA

As Observers :

For Costa Rica :

(Signed) Fernando Goicoechea QUIROS

For Panama :

(Signed) Lt. Col. Julio E. CORDOVEZ