

No. 904

MULTILATERAL

Convention providing for creation of the Inter-American Indian Institute (with annex). Concluded at Mexico City on 29 November 1940

Authentic texts: Spanish, English, Portuguese and French.

The Convention was filed and recorded at the request of Mexico on 12 April 1982.

MULTILATÉRAL

Convention sur l'Institut interaméricain d'affaires indigènes (avec annexe). Conclue à Mexico le 29 novembre 1940

Textes authentiques : espagnol, anglais, portugais et français.

La Convention a été classée et inscrite au répertoire à la demande du Mexique le 12 avril 1982.

CONVENTION¹ PROVIDING FOR CREATION OF THE INTER-AMERICAN INDIAN INSTITUTE

The Governments of the American Republics, inspired by the desire to create efficient instruments for collaboration in the solution of their common problems, and recognizing the fact that the Indian problem is a question of interest to all America; that it is desirable clearly to state and solve said problem; that in many of the American nations it offers similar and comparable aspects; the Governments of said Republics further recognize the fact that it is highly desirable to clarify, stimulate and coordinate the Indian policies of the various nations, said policies being construed as the aggregation of desiderata, standards and measures that should be applied for integral improvement of the living standards of the Indian groups of the Americas; and whereas establishment of an Inter-American Indian Institute was recommended for study, by the Eighth International Conference of the American Nations, assembled at Lima in 1938, in the following resolution: "That the Continental Conference on Indian Life study the advisability of establishing an Inter-American Indian Institute and, if the occasion arises, set forth the basis for its organization and take the necessary steps for its immediate installation and organization"; and whereas the First Inter-American Indian Conference that was held at Patzcuaro

¹ Came into force on 13 December 1941, i.e., upon the deposit of the fifth instrument of ratification with the Ministry for Foreign Affairs of the Government of Mexico. Instruments of ratification or accession were deposited as follows:

<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>	<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>
Ecuador	13 December 1941	Mexico	2 May 1941
El Salvador	30 July 1941	Paraguay	17 June 1941 <i>a</i>
Honduras	29 July 1941	United States of America	1 August 1941

Subsequently, the Convention came into force with respect to each of the following States one month after the date of the deposit of an instrument of ratification or accession with the Government of Mexico, in accordance with article XVI (4):

<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>	<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>
Nicaragua	10 March 1942 <i>a</i>	Guatemala	1 August 1947 <i>a</i>
Panama	27 July 1943 <i>a</i>	Argentina	20 January 1948 <i>a</i>
Peru	19 November 1943	Venezuela	4 October 1948 <i>a</i>
Colombia	10 April 1944 <i>a</i>	Brazil	24 November 1953 <i>a</i>
Dominican Republic	10 August 1944 <i>a</i>	Chile	3 January 1958 <i>a</i>
Bolivia	28 April 1945		

Article VII (2) providing that when five States shall have ratified the Convention and appointed representatives to the Board, the Minister of Foreign Affairs of Mexico shall call a first meeting of that body, it results therefrom that the Convention entered into force on the date of the deposit of the fifth instrument of ratification, effected in accordance with article XVI (3). (Information provided by the Government of Mexico.)

In addition, a notification of denunciation from the following State was received by the Government of Mexico, to take effect one year after the receipt of the said notification, in accordance with article XVII (2):

<i>State</i>	<i>Date of receipt of the notification of denunciation</i>
Dominican Republic	12 August 1953
(With effect from 12 August 1954.)	

in April 1940 passed a resolution creating the Inter-American Indian Institute and recommended the conclusion of a Convention to that end;

Now, therefore, the Governments of the American Republics have decided to conclude the present Convention, which will be signed in the manner provided by article XVI, in order to give form to said recommendations and purposes, and have agreed to the following:

The Contracting Governments hereby agree to elucidate the problems affecting the Indian groups within their respective jurisdictions, and to cooperate with one another, on a basis of mutual respect for the inherent rights of each to exercise absolute liberty in solving the "Indian Problem" in America, by means of periodical meetings, by means of an Inter-American Indian Institute and of National Indian Institutes, whose organization and functioning shall be governed by this Convention in accordance with the following articles:

Article I. ORGANIZATIONS

The Contracting States shall seek to achieve performance of the aims and purposes set out in the preamble hereof, by means of the following organizations:

1. An Inter-American Indian Conference;
2. An Inter-American Indian Institute, managed by a Governing Board;
3. National Indian Institutes.

In its own right, every State may be represented at the Conference and on the Governing Board of the Institute.

Article II. INTER-AMERICAN INDIAN CONFERENCE

1. The General Conference shall be held at intervals not exceeding four years. The seat of the Conference and the date at which each Congress is to meet shall be determined by the preceding Conference. However, the date scheduled for a meeting may be advanced or postponed by the Organizing Government, at the request of five or more of the participating governments.

2. The government of the nation constituting the seat of the Conference, hereinafter referred to as the "Organizing Government", shall fix the place and final date of the meeting; said Government shall likewise extend invitations to the Conference through the proper diplomatic channels at least six months in advance, sending therewith the respective Agenda.

3. The Conference shall be composed of delegates appointed by the member governments and by a representative of the Pan American Union. An effort shall be made to include members of the National Institutes and Indian members among the staff of the delegations. Each member State shall have one vote.

4. Persons of recognized interest in Indian Affairs may also attend as observers, provided they are invited by the Organizing Government and authorized by their respective governments. Such persons shall not be entitled either to speak or to vote at plenary sessions and shall only be entitled to express their opinions through the official delegations of their respective countries, but may participate in discussion at technical committee sessions.

5. The expenses of organizing and carrying out the Conference shall be paid by the Organizing Government.

Article III. INTER-AMERICAN INDIAN INSTITUTE

1. The first seat of the Institute shall be the capital of any American State chosen by the Governing Board of the Institute. The Government of the nation accepting establishment of the Institute shall furnish premises suitable for the functioning and activities of the Institute.

2. The Office of the Inter-American Indian Institute is temporarily placed under the auspices of the Government of Mexico, with headquarters in the City of Mexico.

Article IV. FUNCTIONS OF THE INSTITUTE

The Institute shall have the following duties and obligations, except that it shall not have functions of a political character:

1. It shall act as a Standing Committee for the Inter-American Indian Conferences, and shall be the custodian of the reports, papers and archives thereof. It shall cooperate in the execution and contribute towards the fulfilment of the resolutions adopted by Inter-American Indian Conferences, as well as those arising from this Convention, within the sphere of its duties. It shall further cooperate with the Organizing Government in the preparation and holding of the Indian Conference.

2. It shall solicit, collect, arrange and distribute reports on the following:

- a) Scientific investigations in regard to Indian problems;
- b) Legislation, jurisprudence and administration of Indian communities;
- c) Activities of any institutions interested in such groups;
- d) Material of all kinds utilizable by the Governments as a basis for development of policies looking to economic and social improvement of living standards among Indian communities;
- e) Recommendations made by the Indians themselves in regard to any matters of concern to their people.

3. It shall initiate, direct and coordinate any scientific investigations and inquiries immediately applicable to the solution of Indian problems; or such investigations and inquiries as may, even though not immediately applicable, contribute to better knowledge of Indian life.

4. Publish periodically any magazines or such other material as it may from time to time think fit, and carry on publicity work by means of films, phonograph records and other adequate means.

5. Manage the funds provided by the American nations and accept any other contributions of whatever nature they may be, from public or private sources including personal services.

6. Cooperate in an advisory capacity with the Bureaus of Indian Affairs of the American Nations.

7. Cooperate with the Pan American Union and seek its cooperation for the realization of these aims common to both.

8. Create and authorize the establishment of advisory technical committees, in agreement with the respective Governments.

9. To promote, foster and coordinate the training of men and women experts devoted to the problems of the Indian.

10. To encourage the exchange of technicians, experts or advisers in matters affecting Indians.

11. Discharge such other functions as may be allotted to it by Inter-American Indian Conferences, or by the Governing Board, in the exercise of the powers conferred upon the latter by this Convention.

Article V. MAINTENANCE AND RESOURCES OF THE INSTITUTE

1. The patrimony and the resources of the Inter-American Indian Institute for its maintenance shall consist of the annual quotas paid by the member countries as well as of funds and contributions of any kind that the Institute may receive from American persons or institutions and of funds derived from its publications.

2. The annual budget of the Institute is fixed at \$30,600 (U.S. Currency). This budget is divided into 102 units of 300 dollars each. The annual quota of each contributor is determined by assigning to each a certain number of units, according to the total population, as indicated in the attached table, but to no country having an Indian population of less than 50,000 shall there be assigned more than one unit. On the other hand, to the countries having the largest Indian population, namely, Bolivia, Ecuador, Guatemala, Mexico and Peru, there shall be assigned additional units equivalent to fifty per cent of those allotted to them on the basis of their total population, as indicated in the attached schedule. When the seat of the Institute is to be in one of these five countries, the country chosen shall be assigned a surcharge of only twenty-five per cent of the units.

- a) To apply the table of quotas, the most recent official data in possession of the Inter-American Indian Institute as of July first of every year shall be taken.
- b) The Governing Board of the Inter-American Indian Institute shall change the number of units to correspond to changes in the census figures. The Governing Board shall also, when it deems it necessary, change the amount of each of the 102 equal units into which the budget is divided to correspond to any change in the total amount of the budget of the Institute. The Governing Board is also authorized to modify the distribution of units among the participating nations.
- c) The quota of each country shall be communicated before the 1st of August of each year to the member Governments, and should be paid by them before the 1st of July of the following year. The quota of each country corresponding to the first year shall be paid within the six months following the date of ratification of this Convention.

Article VI. ADMINISTRATION

The Administration of the Institute shall be entrusted to a Governing Board, an Executive Committee and a Director, in accordance with the terms set out in the following articles.

Article VII. GOVERNING BOARD

1. The Governing Board shall exercise supreme control over the Inter-American Indian Institute. The Governing Board shall be composed of one representative—preferably an expert—and by a substitute from each of the member nations.

2. When any five nations shall have ratified this Convention and shall have appointed representatives on the Governing Board, the Minister of Foreign Affairs of the Government of Mexico shall call the first meeting of said body, which shall thereupon proceed to elect its own Chairman and the Director of the Institute.

3. One year after the Governing Board has thus been organized, it shall hold a Special Meeting for the purpose of electing the permanent Executive Committee, in

the manner set forth in paragraph 2, Article VIII. The members of the Executive Committee during the aforesaid one-year period as well as those of the permanent Executive Committee shall be *ex officio* members of the Governing Board. The Director of the Institute shall serve as Secretary of the Governing Board.

4. Votes in the Governing Board and Executive Committee shall be by countries. Each country shall have a single vote.

5. Delegates representing a simple majority of the member States shall constitute a quorum at meetings of the Governing Board.

6. The Governing Board shall hold ordinary general meetings every two years and such extraordinary general meetings as may be convened by the Executive Committee, with the consent of the simple majority of the member States.

7. The Governing Board shall have the following functions and duties, in addition to those mentioned above:

- a) Appoint the Director of the Institute in accordance with the conditions set forth in paragraph 1 of article IX;
- b) It shall study and approve the plan for organization and operation of the Institute submitted to it by the Executive Committee;
- c) It shall approve its own by-laws and regulations and those for the Committee and the Institute;
- d) It shall submit to the consideration of the member Governments, through diplomatic channels, any modifications it may be desired to introduce in the functions of the Institute;
- e) It shall determine the general financial basis of the Institute and audit its accounts, directly or through its representative or representatives;
- f) It shall promote the assembly of International Conferences of experts for the study of technical problems of common interest to member States; to this end it may request of the respective Governments that they appoint experts to represent it at said Conferences, which shall meet at such places and dates as the Governing Board may determine.

Article VIII. EXECUTIVE COMMITTEE

1. The Executive Committee shall be composed of 5 regular members. They shall be citizens of different countries participating and must be preferably persons well acquainted with the "Indian Problem" or well informed in sociological matters. Each one of the five states represented in the Executive Committee shall appoint a substitute to act in the absence of the respective member.

2. Regular members shall be elected for a period of five years, and the election shall be so arranged that their number shall be renewed to the extent of two fifths on one occasion, and three fifths on the succeeding one; to this end, of the first members so elected, three shall hold office for five years and the other two for three years. Both the permanent and the alternate members can be re-elected.

3. The Director of the Inter-American Indian Institute shall *ex officio* be a member of the Executive Committee, and act as the Secretary of this Committee with the right to be heard but without the right to vote.

4. The Executive Powers of the Institute are vested in the Executive Committee, under the control and direction of the Governing Board, and will, as a general rule, be exercised through the instrumentality of the Director.

5. The Executive Committee shall have the following functions and duties to perform:

- a) To decide on the general plan or program for the work of the Institute;
- b) To draw up the Institute's annual budget, to determine the remuneration for the staff and the terms of retirement and pensions for the latter;
- c) To appoint special commissions that shall be charged with the study of any matters coming within their purview;
- d) To authorize the publications of the Institute;
- e) To submit an annual report to the participating States on the progress of the work and on the revenue and expenditures of any kind of the Institute; a similar report shall be laid before every ordinary meeting of the Governing Board;
- f) To call extraordinary meetings of the Governing Board, with the consent of a simple majority of the member States; to organize and hold in agreement with the Governments or entities concerned any meetings, conferences and international assemblies that the Governing Board may promote.

6. When the Governing Board is integrated as set forth by this Convention, the provisional Executive Committee appointed by the Patzcuaro Inter-American Conference on Indian life shall submit to it a report and it shall continue in office for a period of one year, as established by Article VII, paragraph 3, but subject to the provisions of this Convention. The Standing Committee of the aforementioned Conference shall cease to exist when the Governing Board is integrated and the functions thereof shall be vested in the Executive Committee.

Article IX. THE DIRECTOR

1. The Director of the Institute must be a person admittedly competent in Indian Affairs and possess a comparative knowledge of Indian problems in the various American States. He shall retain office for 6 years. He shall be the Head of the Institute, and shall answer to the Executive Committee for its satisfactory progress and operation.

2. The Director shall decide upon the plans, work and activities of the Institute, within the general program marked out by the Executive Committee and the by-laws referred to in Article VII, paragraph 7, section (c), and besides, the following powers and duties shall be vested in him:

- a) He shall, with the approval of the Executive Committee, appoint the personnel of the Institute. He shall endeavor, in so far as possible, applicants being equally competent, to distribute positions among nationals of the various member States;
- b) To manage the funds and property of the Institute and to administer the budget, provided that any special expenditures in excess of 150 dollars, United States currency, be submitted to the Chairman of the Executive Committee for prior approval, and those exceeding 300 dollars be submitted to the Executive Committee.

3. The Director of the Institute may communicate directly with any Governments and public or private institutions, in the name of the Institute, for the execution of any orders issued by the Executive Committee and by the Governing Board.

4. The Director shall attend, as a Consultant, the meeting of the Governing Board, of the committees appointed by the same and of the Inter-American Indian Conferences, for the purpose of furnishing the information that may be necessary. The expenses thereof shall be borne by the Institute.

Article X. NATIONAL INDIAN INSTITUTES

1. The nations subscribing to this Convention shall, on such date as they may deem advisable, and within their respective jurisdictions, organize National Indian Institutes. The functions of said Institutes shall, by and large, consist in stimulating interest in and furnishing information about Indian matters to any persons and to public and private institutions. Such National Institutes shall further carry out any studies on these questions that may be of particular interest to the nation concerned.

2. National Indian Institutes shall be affiliated to the Inter-American Indian Institute, to which they shall submit an annual report.

3. The financing, organization and regulations of said National Indian Institutes shall be matters falling exclusively within the purview of the respective Governments.

Article XI. LANGUAGES

The official languages shall be English, Spanish, Portuguese and French. The Executive Committee shall authorize special translations into these and into American Indian languages when it may deem fit.

Article XII. DOCUMENTS

Governments participating shall send to the Inter-American Indian Institute two copies of any official documents and publications in any way connected with the functions and aims of the Institute, to the extent allowed by the domestic legislation and practices of each country.

Article XIII. MAIL AND POSTAL PRIVILEGES

The High Contracting Parties agree to extend to the Inter-American Indian Institute forthwith the domestic and international postal privilege established by the Postal Union of the Americas concluded in the city of Panama on December 22, 1936, and to ask the members of the Union who have not subscribed to the present Convention to grant to it the same privilege.

Article XIV. SPECIAL STUDIES

The expense of any studies or investigations especially agreed upon by one or two of the participating nations shall be borne by the countries involved.

Article XV

Each of the High Contracting Parties recognizes the legal entity of the Inter-American Indian Institute.

Article XVI. SIGNATURE AND RATIFICATION

1. The Government of the United States of Mexico shall send to the American nations a copy of the present Convention, so that they may, if it meets with their approval, express their adherence thereto. To this end any Governments so adhering shall furnish their respective diplomatic or special representatives with the necessary powers to sign the Convention. As and when the Convention is signed by each of the States, they will submit said Convention to necessary ratification.

2. The original of the present Convention in English, Spanish, Portuguese and French shall be deposited with the Ministry of Foreign Affairs of the Government of Mexico and shall be open to signature by the American Governments from Novem-

ber 1, to December 31, 1940. The American Governments that after the 31st of December 1940 shall wish to subscribe to the present Convention shall make notification thereof to the Minister of Foreign Relations of the Government of Mexico.

3. The instruments of ratification shall be deposited with the Ministry for Foreign Affairs of the Government of Mexico, which shall inform all the American Governments of the deposit of each ratification and the date thereof, forwarding to them the text of any declaration or reservation which may accompany them.

4. Any ratification which may be received after the present Convention becomes effective shall have effect one month from the date of the deposit of such ratification.

Article XVII. DENUNCIATION

1. Any of the Participating Governments may denounce the present Convention at any time by notifying the Government of Mexico in writing to that effect. Such denunciations shall have effect, including the matter of quotas, one year after the receipt of the respective notification by the Government of Mexico.

2. If, as a result of simultaneous or subsequent denunciations, the number of Contracting Governments should be reduced to three, the Convention shall cease to be effective as of the date on which, in accordance with the preceding paragraph, the last of said denunciations becomes effective.

3. The Government of the United Mexican States shall inform all the American Governments of such denunciations and of the dates on which they become effective.

4. If the Convention should cease to be effective according to the terms of paragraph two of the present article, the Government of the United Mexican States shall notify all the American Governments of the date on which it ceases to be effective.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, after having deposited their full powers found to be in due and proper form, sign this Convention on behalf of their respective governments, and affix thereto their seals, at Mexico, D. F., on the dates appearing opposite their signatures.

Bolivia 29 de noviembre de 1940	Bolivia November 29, 1940
Costa Rica 29 de noviembre de 1940 [CARLOS MANUEL ESCALANTE] ¹	Costa Rica November 29, 1940
Cuba 29 de noviembre de 1940 [JOSÉ MANUEL CARBONELL Y RIVERO]	Cuba November 29, 1940
Ecuador 29 de noviembre de 1940 [CÉSAR COLOMA SILVA]	Ecuador November 29, 1940
El Salvador 29 de noviembre de 1940 [HÉCTOR ESCOBAR SERRANO]	El Salvador November 29, 1940
Estados Unidos 29 de noviembre de 1940 [JOSEPHUS DANIELS]	United States November 29, 1940
Honduras 29 de noviembre de 1940 [EDGARDO VALENZUELA]	Honduras November 29, 1940
Mexico 29 de noviembre de 1940 [EDUARDO HAY]	Mexico November 29, 1940
Peru 29 de noviembre de 1940 [LUIS FERNÁN CISNEROS]	Peru November 29, 1940
Bolivia 18 de diciembre de 1940 [ENRIQUE JUNOT]	Bolivia December 18, 1940

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Government of Mexico — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par le Gouvernement mexicain.

ANNEX

<i>Population</i>	<i>Units</i>	<i>Additional units</i>	<i>Total units</i>	<i>Budget in dollars</i>
Less than 1 million:				
Costa Rica	1	—	1	300
Panama	1	—	1	300
1 to 4 million:				
Bolivia	2	1	3	900
Dominican Republic	2	—	2	600
Ecuador	2	1	3	900
Guatemala	2	1	3	900
Haiti	1	—	1	300
Honduras	2	—	2	600
Nicaragua	2	—	2	600
Paraguay	1	—	1	300
Salvador	1	—	1	300
Uruguay	1	—	1	300
Venezuela	2	—	2	600
4 to 8 million:				
Chile	4	—	1	1,200
Cuba	1	—	1	300
Peru	4	2	6	1,800
8 to 16 million:				
Argentina	8	—	8	2,400
Colombia	8	—	8	2,400
More than 16 million:				
Brazil	16	—	16	4,800
Mexico ⁽¹⁾	16	4 ⁽¹⁾	20	6,000
United States	16	—	16	4,800
	<u>93</u>	<u>9</u>	<u>102</u>	<u>30,600 Dls.</u>

(1) Provisional seat of the Institute.