

REPORT NO. 3 OF THE  
SECTION OF INDIVIDUAL RIGHTS  
AND RESPONSIBILITIES  
PRESENTED JOINTLY WITH THE  
SECTION OF INTERNATIONAL LAW AND PRACTICE  
AND THE  
STANDING COMMITTEE ON  
WORLD ORDER UNDER LAW

**RECOMMENDATION\***

*BE IT RESOLVED*, That the American Bar Association urges the United States Government to meet promptly and fully its financial obligations to the Organization of American States.

*BE IT FURTHER RESOLVED*, That the American Bar Association urges the United States Government to actively support a larger budget allocation within the Organization of American States for the activities of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

**REPORT**

The Organization of American States (OAS) is the oldest regional society of nations in the world, dating back to the First International Conference of American States, held in Washington, D.C. in 1890 at which the International Union of American Republics was established. When the United Nations was created in 1948, the organization, now reorganized as the OAS, joined it as a regional organization. The stated

purposes of the OAS are to promote mutual defense and economic, social and cultural development.

Today, the OAS is made up of 32 member states; the United States was a charter member. It provides an important forum for issues facing the nations of the Americas and has shown itself to be particularly useful in connection with efforts regarding human rights conditions in the hemisphere.

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\*The recommendation was approved. See page 37.

officers, directors, chairs, and countless others has moved us in accomplishing our 1988-89 bar year. We input, advice, and all other interested groups regarding how those goals and bet- Association, our mem- public.

submitted,

CHRISTOPHER L. GRIFFIN  
Chairperson  
Legal Services Division

The OAS human rights role is accomplished through two bodies: the Inter-American Commission on Human Rights (Commission) and the Inter-American Court of Human Rights (Court). The Commission was established in 1959 and was made a permanent organ of the OAS in 1967. It receives and investigates complaints of human rights abuses and prepares reports of its findings. Based upon those findings, it may also submit claims to the Court and recommendations to the OAS General Assembly. The Commission's annual and country-specific reports are widely acknowledged to be fair and objective. Initiatives have included reviews of human rights conditions in Cuba, Chile, El Salvador, Guatemala, Nicaragua, Paraguay and Suriname.

The Court was established by the American Convention of Human Rights (American Convention) in 1969 and became effective in 1978. The jurisdiction of the Court is adjudicatory (or contentious), as well as advisory. Only state parties which have ratified the American Convention (which the U.S. has not) and the Commission may participate in the contentious proceedings. The Court has seven judges who are elected by the OAS General Assembly, one of whom is currently Professor Thomas Buerghenthal of the Emory University School of Law. In 1988, the Court decided its first adjudicatory action, unanimously finding the Honduran government guilty in the 1981 disappearance of a Honduran citizen. The Court provides a useful forum for the resolution of disputes which is only in the early stages of development.

Former Secretary of State George Shultz, in a 1987 speech to the

OAS General Assembly, highlighted the human rights work of the OAS:

The OAS has an outstanding record on monitoring human rights, most notably through the activities and impressive public reports of the Inter-American Human Rights Commission. It has undertaken major support for democratic processes through the observation of elections and other technical assistance. It has been trying to assist countries that want to improve their judicial systems.<sup>1</sup>

Starting in 1982, for reasons unrelated to any dissatisfaction with the organization, the United States stopped paying its full quota or dues to the OAS. A member nation's dues are determined by its income. The United States quota is two-thirds of the OAS annual budget, which for 1989 is approximately \$66 million. Cumulative U.S. arrearages now equal \$26 million. It should also be noted that the U.S. arrearages have had a multiplier effect in that they have provided easy justification, particularly in the face of the Latin American debt crisis, for other OAS members to follow the U.S. example and not pay their full contribution. Total arrearages to the OAS currently equal nearly \$40 million.

Since 1985, the Reagan Administration and now the Bush Administration has committed the U.S. to paying all financial obligations due the OAS. Congress has agreed but

<sup>1</sup>Speech to the OAS General Assembly, November 10, 1987, reprinted in *The OAS, Democracy and Nicaragua*, Current Policy No. 1024, U.S. Department of State, Bureau of Public Affairs.

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due to budgetary constraints (relat-  
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rather) has not found the funds to  
do so in the budget. That situation  
still prevails; the Bush Administra-  
tion has included the amounts due  
in its budget request to Congress  
where the matter now rests.

The impact of the arrearages on  
the OAS budget has been severe.  
In real dollars, the budget has re-  
mained level since 1982. The re-  
sulting budgetary constraints pose  
an immediate threat to the work  
and effectiveness of the Commis-  
sion and the Court, which account  
for a small percentage of the total  
OAS budget. A continuation of  
years of attrition will cripple their  
ability to pursue even the most fun-  
damental of activities. The persis-  
tence of the arrearages also  
threatens to weaken U.S. influence

and credibility within the OAS and  
limit its ability to encourage the di-  
rection of increased resources into  
the Commission and Court.

Respectfully submitted,

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and Responsibilities

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Committee on World Order  
Under Law

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