

TREATY FOR AMAZONIAN COOPERATION

Brasilia, 3 July 1978

The Republics of Bolivia, Brazil, Colombia Ecuador, Guyana, Peru, Suriname and Venezuela,

Conscious of the importance of each one of the Parties of their respective Amazonian regions as an integral part of their respective territories,

Inspired by the common aim of pooling the efforts being made, both within their respective territories as well as among themselves, to promote the harmonious development of the Amazon region, to permit an equitable distribution of the benefits of said development among the Contracting Parties so as to raise the standard of living of their peoples and so as to achieve total incorporation of their Amazonian territories into their respective national economies,

Conscious of the usefulness of sharing national experience in matters pertaining to the promotion of regional development,

Considering that, so as to achieve overall development of their respective Amazonian territories, it is necessary to maintain a balance between economic growth and conservation of the environment,

Conscious that both socio-economic development as well as conservation of the environment are responsibilities inherent in the sovereignty of each State, and that co-operation among the Contracting Parties shall facilitate fulfillment of these responsibilities, by continuing and expanding the joint efforts being made for the ecological conservation of the Amazon region,

Confident that co-operation among the Latin American nations, on specific matters which they have in common shall contribute to progress on the road towards the integration and solidarity of all Latin America,

Convinced that this Treaty represents the beginning of a process of co-operation which shall benefit their respective countries and the Amazon region as a whole,

Resolve to sign the following Treaty:

Article I

The Contracting Parties agree to undertake joint actions and efforts to promote the harmonious development of their respective Amazonian territories in such a way that these joint actions produce equitable and mutually beneficial results and achieve also the preservation of the environment, and the conservation and rational utilization of the natural resources of these territories .

Paragraph: To this end, they would exchange information and prepare operational agreements and understandings as well as the pertinent legal instruments which will permit the aims of the present Treaty to be attained.

Article II

This Treaty shall be in force in the territories of the Contracting Parties in the Amazonian Basin as well as in any territory of a Contracting Party which, by virtue of its geographical, ecological or economic characteristics is considered closely connected with that Basin.

Article III

In accordance with and without prejudice to the rights granted by unilateral acts, to the provisions of

bilateral treaties among the Parties and to the principles and rules of International Law, the Contracting Parties mutually guarantee on a reciprocal basis that there shall be complete freedom of commercial navigation on the Amazon and other international Amazonian rivers, observing the fiscal and police regulations in force now or in the future within the territory of each. Such regulations should, insofar as possible, be uniform and favour said navigation and trade.

Paragraph: This article shall not apply to cabotage.

Article IV

The Contracting Parties declare that the exclusive use and utilization of natural resources within their

respective territories is a right inherent in the sovereignty of each state and that the exercise of this right shall not be subject to any restrictions other than those arising from International Law.

Article V

Taking account of the importance and multiplicity of the functions which the Amazonian rivers have in the process of economic and social development of the region, the Contracting Parties shall make efforts aimed at achieving rational utilization of the hydro resources.

Article VI

In order to enable the Amazonian rivers to become an effective communication link among the Contracting Parties and with the Atlantic Ocean, the riparian states interested in any specific problem affecting free and unimpeded navigation shall, as circumstances may warrant, undertake

national, bilateral or multilateral measures aimed at improving and making the said rivers navigable.

Paragraph: For this purpose they shall carry out studies into the means for eliminating physical obstacles to the said navigation as well as the economic and financial implications so as to put into effect the most appropriate operational measures.

Article VII

Taking into account the need for the exploitation of the flora and fauna of the Amazon region to be rationally planned so as to maintain the ecological balance within the region and preserve the species, the Contracting Parties decide to:

- a) Promote scientific research and exchange information and technical personnel among the competent agencies within the respective countries so as to increase their knowledge of the flora and fauna of their Amazon territories and prevent and control diseases in said territories.
- b) Establish a regular system for the proper exchange of information on the conservationist measures adopted or to be adopted by each State in its Amazonian territories; these shall be the subject of an annual report to be presented by each country.

Article VIII

The Contracting Parties decide to promote coordination of the present health services in their respective Amazonian territories and to take other appropriate measures to improve the sanitary conditions in the region and perfect methods for preventing and combating epidemics.

Article IX

The Contracting Parties agree to establish close co-operation in the fields of scientific and technological research, for the purpose of creating more suitable conditions for the acceleration of the economic and social development of the region.

Paragraph One: For the purposes of this Treaty, the technical and scientific co-operation among the Contracting Parties may be as follows:

- a) Joint or co-ordinated implementation of research and development programmes;
- b) Creation and operation of research institutions or centres for improvement and experimental production;
- c) Organization of seminars and conferences, exchange of information and documentation, and organization of means for their dissemination.

Paragraph Two: The Contracting Parties may, whensoever they deem it necessary and convenient, request the participation of international agencies in the execution of studies; programmes and projects resulting from the forms of technical and scientific co-operations defined in Paragraph One of this Article.

Article X

The Contracting Parties agree on the advisability of creating a suitable physical infrastructure among their respective countries, especially in relation to transportation and communications. They therefore undertake to study the most harmonious ways of establishing or improving road, river, air and telecommunication links bearing in mind the plans and programmes of each country aimed at attaining the priority goal of fully incorporating those respective

Amazonian territories into their respective national economies.

Article XI

In order to increase the rational utilisation of the human and natural resources of their respective Amazonian territories, the Contracting Parties agree to encourage joint studies and measures aimed at promoting the economic and social development of said territories and generating complementary methods for reinforcing the actions envisaged in the national plans of their respective territories

Article XII

The Contracting Parties recognise the benefit to be derived by developing, under equitable and mutually beneficial conditions, retail trade of products for local consumption among the respective Amazonian border populations, by means of suitable bilateral or multilateral agreements.

Article XIII

The Contracting Parties shall co-operate to increase the flow of tourists, both national and from third countries, in their respective Amazonian territories, without prejudice to national regulations for the protection of indigenous cultures and natural resources.

Article XIV

The Contracting Parties shall co-operate in ensuring that measures adopted for the conservation of ethnological, and archeological wealth of the Amazon region are effective.

Article XV

The Contracting Parties shall seek to maintain a permanent exchange of information and co-operation among themselves and with the agencies for Latin American co-operation in the areas pertaining to matters covered by this Treaty.

Article XVI

The decisions and commitments adopted by the Contracting Parties under this Treaty shall not be to the detriment of projects and undertakings executed within their respective territories, according to International Law and fair practice between neighbouring and friendly countries.

Article XVII

The Contracting Parties shall present initiatives for undertaking studies for the elaboration of programmes of common interest for developing their Amazonian territories and in general terms provide for the fulfillment of the actions contemplated in the present Treaty.

Paragraph: The Contracting Parties agree to give special attention to the consideration of initiatives presented by the least developed countries which require joint action and efforts by the Contracting Parties.

Article XVIII

Nothing contained in this Treaty shall in any way limit the rights of the Contracting Parties to conclude bilateral or multilateral agreements on specific or generic matters, provided that these are not contrary to the achievement of the common aims for co-operation in the Amazonian region stated in this instrument.

Article XIX

Neither the signing of this Treaty nor its execution shall have any effect on any other international treaties in force between the Parties nor on any differences with regard to limits or territorial rights which may exist between the Parties nor shall the signing or implementation of this Treaty be interpreted or invoked to imply acceptance or renunciation, affirmation or modification, direct or indirect, express or tacit, or the position or interpretation that each Contracting Party may hold on these matters.

Article XX

Notwithstanding the fact that more adequate frequency for meetings can be established at a later date, the Ministers of Foreign Affairs of the Contracting Parties shall convene meetings when deemed opportune or advisable, in order to establish the basic guidelines for common policies for

assessing and evaluating the general development or the process of Amazonian co-operation and for taking decisions designed to carry out the aims set out in this document.

Paragraph One: Meetings of Foreign Affairs Ministers shall be convened at the request of any of the Contracting Parties, provided that the request has the support of no fewer than four Member States.

Paragraph Two: The first meeting of Foreign Affairs Ministers shall be held within a period of two years following the date of entry into force of this Treaty. The venue and date of the first meeting shall be established by agreement among the Ministries of Foreign Affairs of the Contracting Parties.

Paragraph Three: Designation of the host country for the meetings shall be by rotation and in alphabetical order.

Article XXI

The Amazonian Co-operation Council comprising of top level diplomatic representatives shall meet once a year.

Its duties shall be as follows:

1. To ensure that the aims and objectives of the Treaty are complied with.
2. To be responsible for carrying out the decisions taken at meetings of Foreign Affairs Ministers.
3. To recommend to the Parties the advisability and the appropriateness of convening meetings of Foreign Affairs Ministers and of drawing-up the corresponding Agenda.
4. To take under consideration initiatives and plans presented by the Parties as well as to adopt decisions for undertaking bilateral or multilateral studies and plans, the execution of which as the case may be, shall be the duty of the Permanent National Commissions.
5. To evaluate the implementation of plans of bilateral or multilateral interest.
6. To draw-up the Rules and Regulations for its proper functioning.

Paragraph One: The Council shall hold special meetings through the initiative of any of the Contracting Parties with the support of the majority of the rest.

Paragraph Two: The venue of regular meetings shall be rotated in alphabetical order among the Contracting Parties.

Article XXII

The functions of the Secretariat shall be performed pro tempore by the Contracting Party in whose territory the next regular meeting of the Amazonian Co-operation Council is scheduled to be held.

Paragraph Three: The pro tempore Secretariat shall send the pertinent documentation to the Parties.

Article XXIII

The Contracting Parties shall create Permanent National Commissions charged with enforcing in their respective territories the provisions set out in this Treaty, as well as carrying out the decisions taken at meetings of Foreign Affairs Ministers and by the Amazonian Co-operation Council, without jeopardizing other tasks assigned them by the State.

Article XXIV

Whenever necessary, the Contracting Parties may set up special Commissions to study specific problems or matters related to the aims of this Treaty.

Article XV

Decisions at meetings held in accordance with Articles XX and XXI shall always require the unanimous vote of the Member Countries of this Treaty. Decisions made at meetings held in accordance with Article XXIV shall always require the unanimous vote of the participating countries.

Article XXVI

The Contracting Parties agree that the present Treaty shall not be susceptible to interpretative reservation or statements.

Article XXVII

This Treaty shall remain in force for an unlimited period of time, and shall not be open to adherence.

Article XXVIII

This Treaty shall be ratified by all the Contracting Parties and the instruments of ratification shall be deposited with the Government of the Federative Republic of Brazil.

Paragraph One: This Treaty shall become effective thirty days after the last instrument of ratification has been deposited by the Contracting Parties.

Paragraph Two: The intention to denounce this Treaty shall be communicated by a Contracting Party to the remaining Contracting Parties at least ninety days prior to formal delivery of the instrument of denunciation to the Government of the Federative Republic of Brazil. This Treaty shall cease to have effect for the Contracting Party denouncing it one year after the denunciation has been formalized.

Paragraph Three: This Treaty shall be drawn up in English, Dutch, Portuguese and Spanish, all having equal validity.

In witness whereof the undersigned Ministers of Foreign Affairs have signed the present Treaty.

Executed in the city of Brasilia, on July 3, 1978, to be deposited in the archives of the Ministry of Foreign Affairs of Brazil which shall provide the other signatory countries with true copies.