

## **ADDITIONAL PROTOCOL TO THE TREATY ESTABLISHING THE ANDEAN PARLIAMENT**

The Andean Community Countries,

Convinced that the peoples' participation is necessary to ensure the consolidation and future projection of the global integration of the countries of the Andean Subregion;

Conscious that it is essential to create a means of common action for affirming the principles, values and objectives that are identified with the effective exercise of democracy;

Bearing in mind that the incorporation of the national legislative bodies into the regional integration project, started with the establishment of the Latin American Parliament, calls for the existence of Community bodies to represent and interlink those national bodies; and

In conformity with the Act of Trujillo and the Protocol Amending the Andean Subregional Integration Agreement (Cartagena Agreement), signed on March 10, 1996, through which it was agreed to adjust the instruments establishing the bodies and institutions of the Andean Integration System;

AGREE, through their Plenipotentiary Representatives, to formalize the following

## **ADDITIONAL PROTOCOL TO THE TREATY ESTABLISHING THE ANDEAN PARLIAMENT**

### **Chapter I**

#### **On the creation, composition and headquarters of the Parliament, the common deliberating body**

**Article 1.-** The Andean Parliament is hereby created as the common deliberating body of the Andean Integration System, with the composition, organization, purposes and functions established by this Treaty.

#### **Comprised of Representatives**

**Article 2.-** The Andean Parliament is the deliberating body of the Andean Integration System. Its' nature is that of a Community body; it represents the nations of the Andean Community and shall be comprised of Representatives elected by Universal and Direct Vote in accordance with the procedure to be adopted through an Additional Protocol that shall include appropriate criteria for national representation.

Until the Additional Protocol instituting Direct Elections is signed, the Andean Parliament shall be comprised of five Representatives of each National Congress, chosen in keeping with its internal regulations and the General Regulations of the Andean Parliament.

The Andean Parliament shall have its permanent headquarters in the city of Bogotá, Colombia.

#### **Common objectives**

**Article 3.-** The Andean Parliament and the Representatives shall act in accordance with the common objectives and interests of the Contracting Parties.

#### **Annual meetings**

**Article 4.-** The Andean Parliament shall hold two Regular Meetings a year with no need for prior summons.

The place, date and duration of the annual meetings shall determined at the previous year's session, using a system of rotation among the countries.

The Andean Parliament may meet on a special basis to take cognizance of urgent and specific matters when requested to do so by at least one-third of the Representatives.

## **Chapter II**

### **On the organization of the Parliament**

#### **Period of representation**

**Article 5.-** Representatives shall be elected for a two-year period and may be reelected. Representatives shall continue to be members of the Andean Parliament until they have been legally replaced pursuant to article 2 of this Treaty.

#### **Representative and alternates**

**Article 6.-** Each Representative shall have a first and second alternate, who shall replace him/her, in that order, when absent temporarily or permanently.

Alternates shall be elected on the same dates, in the same way, and for the same period as the Titular Representatives.

#### **Officers**

**Article 7.-** The Andean Parliament shall elect, from among its Members, its President and such Vice-Presidents as its Regulations stipulate, for a two-year term of office.

#### **Secretariat**

**Article 8.-** The Andean Parliament shall have a General Secretariat, whose composition and functions shall be defined in the Regulations.

#### **International legal status**

**Article 9.-** The Andean Parliament shall have an international legal status and the capacity to exercise it.

#### **Diplomatic immunity**

**Article 10.-** The Members of the Andean Parliament, as part of the Andean Integration System, shall enjoy such privileges and immunities within the territories of each Member Country as they need to fulfill their objectives. Its international Representatives and officials shall likewise enjoy the privileges and immunities they require to perform their functions in connection with this Treaty with independence. Its premises are inviolable and its property and assets shall be immune from all judicial proceeding, unless this immunity is expressly waived. Notwithstanding, such a waiver shall not apply to any judicial executory measure.

## **Chapter III**

### **On the objectives and functions of the Parliament**

#### **A. Objectives**

**Article 11.-** The Andean Parliament has the following objectives:

- a. To contribute to the promotion and orientation of the Andean Community integration process;
- b. To uphold, within the Andean Subregion, the full rule of freedom, social justice and democracy in its broadest participatory exercise;
- c. To ensure respect for Human Rights for all Contracting Parties, within the context of the international instruments existing in that area;
- d. To promote the involvement of the nations as actors in the Andean integration process;
- e. To promote the development of an Andean Community conscience and the integration of the Latin American Community;
- f. To promote among the nations of the Andean Subregion an awareness and the broadest possible dissemination of the principles and provisions that guide the establishment of a new international order; and
- g. To contribute to the strengthening of the democratic system, international peace and justice, and the right of nations to free self-determination.

#### **A. Functions**

**Article 12.-** The functions of the Andean Parliament are:

- a. To take part in promoting and orienting the Andean Subregional Integration process with a view toward consolidating Latin American integration;
- b. To examine the progress of Andean Subregional Integration and the fulfillment of its objectives by requesting periodic information for that purpose from the bodies and institutions of the Andean Integration System;
- c. To formulate recommendations on the Draft Annual Budgets of the bodies and institutions of the Andean Integration System that are financed through the direct contributions of the Member Countries;
- d. To suggest to the bodies and institutions of the Andean Integration System, actions or decisions that have as their goal or effect, the adoption of amendments, adjustments or new general guidelines in relation to the programmed objectives and the institutional structure of the Andean Integration System;
- e. To participate in law-making for the process by suggesting to the bodies of the Andean Integration System, Draft Provisions on matters of common interest, for incorporation into the legal system of the Andean Community;
- f. To promote the harmonization of Member Country legislation; and
- g. To foster cooperation and coordination among the Parliaments of the Member Countries, the Bodies and Institutions of the Andean Integration System, and the Parliamentary Bodies for Integration or Cooperation with Third Countries.

#### **Recommendations**

**Article 13.-** The Andean Parliament shall go on record with its opinion through recommendations on matters covered by articles 11 and 12 of this Treaty.

#### **Simple majority**

**Article 14.-** The Andean Parliament shall adopt its recommendations by simple majority, except in the special cases provided for in its internal regulations.

### **Regulations**

**Article 15.-** The Andean Parliament shall promulgate its General Regulations.

### **Agenda for its annual meeting**

**Article 16.-** The President of the Andean Parliament, in consultation with the other Representatives, shall draw up the provisional agenda for the Annual Meetings.

### **Proceedings**

**Article 17.-** The Proceedings of the Andean Parliament shall be published in the way specified by its Regulations.

## **Chapter IV**

### **On the signing, accession, legal force, and denunciation**

#### **Signing without reservations**

**Article 18.-** This Treaty may not be signed with reservations, nor shall these be accepted at the time of ratification or accession. Only Member States of the Andean Integration System, or those that become such, may be parties to this Treaty.

#### **Ratification**

**Article 19.-** This Treaty shall be subject to ratification by the Signatory States. It shall enter into force thirty (30) days after all of those States have ratified it. The instruments of ratification shall be deposited at the Andean Community General Secretariat, which shall notify the other Signatory States about their deposit.

#### **Legal force and denunciation**

**Article 20.-** This Treaty shall remain in force for the entire period of effectiveness of the Cartagena Agreement and may not be denounced independently of that Agreement. Denunciation of the Cartagena Agreement shall bear with it the denunciation of this Treaty.

#### **Transitional Provision**

The Election of the Representatives to the Andean Parliament by Universal and Direct Vote should be held within a period of no more than five (5) years.

#### **Replacement**

This Treaty replaces the Treaty Creating the Andean Parliament signed on October 25, 1979, which shall remain in force until this instrument becomes effective.

#### **Final Provision**

The amendments approved at the VIII Andean Presidential Council held in Trujillo, Peru on March tenth (10<sup>th</sup>), nineteen ninety-six through the Protocol Amending the Andean Subregional Integration Agreement (Cartagena Agreement), have been adjusted to this Treaty.

In witness whereof, the Ministers of Foreign Affairs of the Andean Community Member Countries sign this Treaty on behalf of their respective Governments.

Enacted in the city of Sucre, on the twenty-third of April of nineteen ninety-seven, in four, equally authentic copies.

## **ADDITIONAL PROTOCOL TO THE TREATY CREATING THE ANDEAN PARLIAMENT, REGARDING THE DIRECT AND UNIVERSAL ELECTION OF ITS REPRESENTATIVES**

**ARTICLE 1.-** This Protocol establishes the procedures that will be adopted in the Andean Parliament Member Countries for the Election of their Representatives by Universal, Direct and secret vote.

The election of the Representatives to the Andean Parliament by Universal and Direct Vote should be held within a period of no more than five (5) years.

**ARTICLE 2.-** The permanent headquarters of the Andean Parliament shall be located in Bogotá, Colombia.

**ARTICLE 3.-** Five (5) titular Representatives to the Andean Parliament shall be elected in each Member Country. Each Representative shall have a first and second alternate, who shall replace him/her in that order, in the case of temporary or permanent absence. Alternates shall be elected on the same date, in the same way, and for the same period as Titular Representatives.

**ARTICLE 4.-** Until a Uniform Electoral System has been established, the System for Electing the Titular Representatives to the Andean Parliament, as well as their alternates, shall be governed by the national legislation of each Member Country.

**ARTICLE 5.-** Representatives to the Andean Parliament shall be elected in each Member Country on the date of the Legislative or other general election, including special elections, in accordance with its own national laws.

**ARTICLE 6.-** Representatives to the Andean Parliament shall enjoy full autonomy in the exercise of their functions and are not subject to any imperative mandate. They shall vote on a personal and individual basis and shall act in accordance with Community objectives and interests. Andean Parliamentarians are not responsible to any authority or jurisdictional body whatsoever for the votes they cast or the opinions they express on matters connected with their position. Representatives to the Parliament shall all enjoy, in addition to the immunities stipulated in article 10 of the Treaty Establishing the Andean Parliament, Parliamentary immunity in the same way and to the same extent as the Legislators of their respective Member Country.

**ARTICLE 7.-** National Legislators of Member Countries may be Representatives to the Andean Parliament at the same time, although this in no way constitutes a requirement for eligibility.

**ARTICLE 8.-** The impediments to the exercise of the function of Representative to the Andean Parliament, in addition to those established in the national legislation of each Member Country, are the following:

- a. Performing public functions in the service of a Member Country, except for legislative duties.

Being a Representative, official or employee of any other Andean Integration System body.

Being an official or employee of any Andean Community Institution or of the Specialized Bodies connected with them.

- b. Furthermore, until the Uniform Electoral System enters into effect, each Member Country may enact national provisions regarding other incompatibilities.

Representatives who, after having assumed their mandate, demonstrate any of the incompatibilities stipulated in this article, shall cease their functions and shall be replaced by their respective alternates, so long as those incompatibilities exist.

**ARTICLE 9.-** Until the Uniform Electoral System enters into effect, the Member Countries shall report the official results of the election of their Representatives to the Andean Parliament. The latter shall also duly receive and verify the credentials of those persons elected.

**ARTICLE 10.-** The annual budget approved for the operation of the Andean Parliament shall be covered by resources contributed by each Member Country, in keeping with the regulatory provisions that are issued for that purpose.

Their respective Congresses shall pay the fees and other remunerations to which Andean Parliamentarians elected by the people are entitled, in proportions equal to those paid from the General Congressional Budgets to each country's Legislators.

**ARTICLE 11.-** This Protocol may not be signed with reservations, nor shall these be acceptable at the time of ratification or accession. Only Member States of the Andean Community, or those that become such, may be parties to this Protocol.

**ARTICLE 12.-** In order for this Protocol to enter into force, all of the Andean Community Member Countries must first deposit their instruments of ratification.

The Protocol shall become effective on the day after the last instrument of ratification has been deposited at the Andean Community General Secretariat and shall remain in force for the entire period of effectiveness of the Cartagena Agreement and the Treaty Establishing the Andean Parliament and may not be denounced independently of those instruments.

**ARTICLE 13.-** The Andean Parliament shall be responsible for the organic, structural and functional regulation of this Protocol.

### **Transitional Provision**

The current system of Indirect Election under the responsibility of the respective National Legislative Bodies shall remain in effect until the Universal and Direct Elections provided for in article 1 of this instrument have been held.

In witness whereof, the Ministers of Foreign Affairs of the Andean Community Member Countries sign this Protocol on behalf of their respective Governments.

Signed in the city of Sucre, on the twenty-third of April of nineteen ninety-seven, in four, equally authentic copies.