

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 1968 <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