



International Regional
Organization for Plant and Animal Health

CONSTITUTIONAL AGREEMENT INTERNATIONAL REGIONAL ORGANIZATION OF PLANT AND ANIMAL HEALTH



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San Salvador, March 2017

International Regional Organization of Plant and Animal Health
Constitutional Agreement
International Regional Organization of Plant And Animal Health

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CONTENTS

Chapter I. Nature and purpose	8
Chapter II. Members	9
Chapter III. The organs	9
Chapter IV. International Regional Committee of Plant and Animal Health (CIRSA)	9
Chapter V. Technical Committee	10
Chapter VI. The Executive Direction	11
Chapter VII. The personnel	12
Chapter VIII. Financial resources	12
Chapter IX. Legal capacity, privileges and immunities	13
Chapter X. Headquarters and representations	14
Chapter XI. General dispositions	14
Chapter XII. Ratification and validity	15
Chapter XIII. Transitory dispositions	16

AGREEMENT FOR THE CONSTITUTION OF THE INTERNATIONAL REGIONAL ORGANIZATION OF PLANT AND ANIMAL HEALTH (OIRSA)

The governments of Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, and The Dominican Republic.

CONSIDERING:

The document, which gave origin to the International Regional Committee of Plant and Animal Health (CIRSA) and to the permanent organization to execute its agreements on technical and administrative nature, denominated International Regional Organization of Plant and Animal Health (OIRSA), with international status, which was signed on the 29th October 1953 in the City of San Salvador.

That given the time elapse, it is necessary to amend the “Second Agreement of San Salvador” to the current technical and legal needs allowing OIRSA to have a structure according to the present reality.

That there are diseases and devastating pests of plants and animals that, when they appear in a country, can easily and quickly spread to the neighboring countries with their economic consequences.

That to protect people from serious economic harm caused by pests and diseases, it is necessary to have a general cooperative plan from the governments.

That to protect plant and animal economy and to insure the welfare of the population against the serious harm caused by diseases and pests it is necessary a continuous cooperation plan.

That the contributions of the countries to maintain the International Regional Organization of Plant and Animal Health, administrative and technical capa-

bility, would be less, costly compared to the great losses that might be caused by diseases and pests to agriculture and livestock in the region.

That modern communication facilities allow the exchange of people and commodities between countries, which enormously favors the spread of pests and diseases from animals and plants.

That it is necessary to adopt permanent phytozoo sanitary control and eradication measures.

THEREFORE IT IS AGREED TO:

Chapter I **NATURE AND PURPOSE**

ARTICLE 1.— To constitute the International Regional Organization of Plant and Animal Health (OIRSA), as an organization with legal status.

ARTICLE 2.— The objective of OIRSA is to support the efforts of the Member states, to achieve the development of their Animal and Plant Health plans and strengthen their quarantine systems.

ARTICLE 3.— To achieve such objective, OIRSA will have the following functions:

- 3.1 To determine, after performing the necessary technical studies, which phytozoo sanitary diseases and pests represent a real or potential threat of economic importance in the region.
- 3.2 To promote the adoption of common policies on Animal and Plant Health and Quarantine Systems in the region, and undertaken actions to prevent, control and/or eradicate agricultural and livestock pests and diseases of importance and interest to the region.
- 3.3 To promote the harmonization of legislation in Plant and Animal Health and Quarantine.
- 3.4 To advise and evaluate the operation of Animal and Plant Health and Quarantine Services of the Member states that request it.
- 3.5 To keep the Member states informed on phytozoo sanitary conditions prevailing in and out of the region.
- 3.6 To promote the publication between Member states of achievements and experiences in Plant and Animal Health.

- 3.7 To promote the establishment of agreements with other International Agencies or Organizations of technical and financial cooperation for the development of projects of regional interest.
- 3.8 To establish contracting or coordination mechanisms with research institution to support their programs.
- 3.9 To coordinate related actions with other countries and agencies within and out of the region.
- 3.10 To promote and carry out training actions for its own technical staff and its Member states.
- 3.11 To promote and carry out technology transfer actions.

Chapter II MEMBERS

ARTICLE 4.— The Member states from OIRSA will be:

- a) Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, and The Dominican Republic.
- b) Any other American state that adheres to the present agreement, and whose admission is approved by CIRSA by unanimous votes.

Chapter III THE ORGANS

ARTICLE 5.— OIRSA will have the following bodies:

- a) International Regional Committee of Plant and Animal Health (CIRSA).
- b) Technical Commission.
- c) Executive Direction.

Chapter IV INTERNATIONAL REGIONAL COMMITTEE OF PLANT AND ANIMAL HEALTH (CIRSA)

ARTICLE 6.— CIRSA is the highest body of the organization, formed by the holders or representatives of the Ministries or Secretariats of State of Agriculture and/or Natural Resources.

ARTICLE 7.— CIRSA will have the following functions:

- a) To dictate OIRSA's policies and actions.
- b) To approve OIRSA's annual program budget.
- c) To decide on the admission of new members.
- d) To appoint the Executive Director and the Administrator with the vote of at least two thirds of its members.
- e) To define and approve the basic operational structure of the executive direction.
- f) To appoint the external auditors, who must present their reports at CIRSA's ordinary meeting or upon request.
- g) To consider and approve, where appropriate, the recommendations of the Technical Committee.
- h) To analyze and approve the report of the Executive Director.
- i) To approve the regulations for the proper functioning of the organization.

ARTICLE 8.— CIRSA's meetings will rotate within its Member states.

ARTICLE 9.— The presidency of CIRSA shall be held for one year and shall correspond to the Minister of Agriculture and/or Natural Resources, where the ordinary meeting is held.

ARTICLE 10.— Ordinarily, CIRSA will meet each year in March and extraordinarily by the call of one of the members or the Executive Director, in which case the issues for which they were convened will be discussed.

ARTICLE 11.— CIRSA's quorum is form with the presence of two thirds of its members.

ARTICLE 12.— CIRSA's decisions shall be adopted by majority of its members.

Chapter V TECHNICAL COMMITTEE

ARTICLE 13.— The Technical Committee is the advisory body of CIRSA in the areas of Plant and Animal Health.

ARTICLE 14.— The Technical Committee is form by the Directors of Plant and Animal Health or their representatives.

ARTICLE 15.— The Technical Committee shall have the following functions:

- a) Act as a preparatory committee for CIRSA meetings.
- b) Comply with CIRSA’s entrusted tasks.
- c) Examine the annual program budget project submitted to CIRSA by Executive Director and to make necessary comments and recommendations.
- d) To study and make comments and recommendations to CIRSA or the Executive Direction concerning issues of interest for the Organization.
- e) To recommend projects regulations to the Executive Direction for CIRSA’s consideration, where appropriate.

ARTICLE 16.— The Technical Committee will convene its ordinary meetings, before CIRSA’s meeting, with the objective to undertake a permanent evaluation on the execution and development of OIRSA’s programs, in accordance with CIRSA’s extraordinary meetings resolutions. It will be held whenever, CIRSA considered it necessary.

ARTICLE 17.— The Technical Committee quorum will consist of two thirds of its members. Each Member state will have the right to one vote.

ARTICLE 18.— The Technical Committee decisions will be adopted by majority of votes.

Chapter VI THE EXECUTIVE DIRECTION

ARTICLE 19.— The functions of the Executive Direction will be determined by this agreement and those assigned by CIRSA.

ARTICLE 20.— The Executive Direction will be in charge of the Executive Director, who will be a national of any of the Member states and appointed for a four-year term. He can be reelected once and will not be succeeded by a person of the same nationality.

ARTICLE 21.— The Executive Director under CIRSA’s supervision, will have OIRSA’s legal representation and the responsibility of administering it, and also to comply with the functions and tasks assigned to him.

ARTICLE 22.— The Technical Committee will have the Organization’s legal representation and additionally the following specific functions, to exercise in

accordance with the rules and regulations of the Organization and the corresponding budgetary dispositions:

- a) To carry out CIRSA's decisions.
- b) To administer the Organization's financial resources according to CIRSA's decisions.
- c) To determine the number of staff, regulate their attributions, rights and duties, to determine their remunerations according to the profile of posts and to appoint and remove them according to the norms established by CIRSA.
- d) To prepare the Annual Project Program and Budget with the observations and recommendations of the Technical Committee and present it to CIRSA.
- e) To develop the necessary international and multilateral cooperation and coordination relations to meet the Organization's objectives.
- f) To participate in CIRSA's meetings and the Technical Committee with voice but without vote, when required and shall be the secretary of said meetings.

Chapter VII THE PERSONNEL

ARTICLE 23.— To form part of the Organization's personnel efficiency, capability and probity will be taken into consideration, keeping a criterion of equitable geographic representation of the Member states.

ARTICLE 24.— In the performance of their duties, the Executive Director and the remainder of the staff shall not request or receive instructions from any government or any other authority outside the organization and shall refrain from acting in a manner inconsistent with their status as international officials.

Chapter VIII FINANCIAL RESOURCES

ARTICLE 25.— The Member states will contribute toward the maintenance of the organization, through an annual fee of at least US\$ 45,000.00 (forty five thousand US Dollars), to be paid on February of each year. The amount of this contribution will be increased by unanimous agreement of CIRSA's members in session of the same committee, without the amendments of this agreement.

For its compliance and other effects, it will suffice the certification of the agreement that the Executive Director submits to the respective governments.

ARTICLE 26.— The expenses of the Organization will be framed within the general budget approved annually by CIRSA.

ARTICLE 27.— Each Member state will contribute with a minimum of 10% to create a cumulative reserve fund up to US\$30,000.00 (thirty thousand US dollars) per country, to be used exclusively to cover the initial expense caused by an emergency. This sum shall be deposited by OIRSA in each of the respective central banks of the Member states, in accordance with the legal provisions of each country on the matter.

ARTICLE 28.— In case of an emergency with serious international repercussions, the Executive Director can make use of OIRSA's reserve funds, subject to the approval of CIRSA. In case the reserve funds of CIRSA are insufficient, the Executive Director may request the Member states an extraordinary contribution. The payment of the extraordinary contribution must be made in cash within a period not to exceed ninety days, starting from the date of the agreement. If the additional contributions do not pay to fulfill the proposed purpose, CIRSA must meet extraordinarily to take the necessary measures. The Executive Director must report to CIRSA and the Technical Committee.

ARTICLE 29.— The Member state that is in arrears of its correspondent payment for more than two fiscal years, will be suspended from the right to vote in CIRSA's meetings. However, CIRSA may allow the member to vote if it considers that failure to pay is due to circumstances beyond the state control.

ARTICLE 30.— OIRSA may develop self-financing programs, receive special contributions, inheritance, legacies or donations, provided that they are compatible with the nature, purposes and standards of the Organization.

Chapter IX

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

ARTICLE 31.— OIRSA and its officials shall enjoy in the territory of each of the Member states, the legal capacity and the privileges and immunities necessary for the exercise of their functions and the fulfillment of their purposes, in accordance with the internal countries legislation and International Right.

ARTICLE 32.— The representatives of the Member states in CIRSA and Technical Committee meetings shall enjoy the privileges and immunities to perform their functions.

ARTICLE 33.— In order to carry out its purposes according to the member states current legislation, OIRSA may conclude and execute contracts, agreements and or possess funds; properties; and acquire, sell, lease real estates and properties; improve and manage goods or properties with no more limitations than those imposed by the constitutional laws of the Member states.

ARTICLE 34.— OIRSA will be exonerated from paying direct or indirect taxes, whether national or municipal, as well as, all kinds of rights or charges that would be caused by the acquisition, transfer, transit, export or import of goods, vehicles, equipment, chemicals and biological products, fuel, lubricants and accessories necessary for the accomplishment of its aims and objectives within the Member states, if their constitutional legislation does not prohibit it. The signatory Member state of OIRSA shall grant postal, telegraph, telephone, radio, train, ship and airplane franchise to the directive, technical and administrative personnel of the Organization when complying with their functions.

Chapter X HEADQUARTERS AND REPRESENTATIONS

ARTICLE 35.— OIRSA will have its headquarters in San Salvador, Republic of El Salvador and will establish Representations in each of the Member states. The Main Office of the Executive Direction will be located at the headquarters of the Organization.

ARTICLE 36.— The Ministries of Agriculture and/or Natural Resources of the Member States will provide support to OIRSA for the establishment of Representations, whenever possible, at owned facilities, in order to provide closer collaboration and coordination.

Chapter XI GENERAL DISPOSITIONS

ARTICLE 37.— The Governments of the Member states will report periodically to OIRSA concerning their respective phytozoo sanitary conditions.

ARTICLE 38.— In presence of threat of foreign pests or diseases, that endanger the agricultural and livestock production at their countries, the Member states will grant OIRSA the facilities to support actions of prevention, control, eradication and quarantine.

Chapter XII RATIFICATION AND VALIDITY

ARTICLE 39.— The present agreement is subject to the ratification of the signatory countries in accordance to their respective constitutional procedures.

ARTICLE 40.— The present agreement and its instruments of ratification will be deposited before the Government of El Salvador, who will serve as the depositary.

ARTICLE 41.— The depositary will forward certified copies of the present agreement to the signatory governments the states who shall notify of the deposit of each instrument of ratification or adhesion.

ARTICLE 42.— The present agreement shall enter into effect among the Member states that ratify it, when two thirds of the current states of OIRSA have deposited their instruments of ratification. In accordance with the other states, it shall enter into effect in the order deposited by their respective instrument of ratification or adhesion.

ARTICLE 43.— The present charter can be modified with the unanimous approval of all the CIRSA's members, who consider the amendments in the extraordinary meeting called for this purpose.


ARTICLE 44.— The present agreement has permanent character and will govern for an indefinite period, but can be denounced by any Member state by notification when depositing it. The denouncement will have effect one year after such notification has been made. In such cases, the denouncing state must comply with the obligations set forth in this agreement.

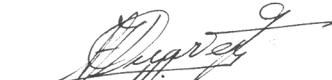
Chapter XIII TRANSITORY DISPOSITIONS

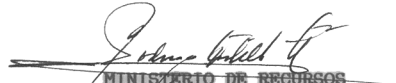
The present Agreement abrogates the Second Agreement of San Salvador of 1953.


Signed in Guatemala City, Republic of Guatemala, on the fifteenth day of May of the year one thousand nine hundred and eighty-seven.


SECRETARIA DE AGRICULTURA
Y RECURSOS HIDRAULICOS
MEXICO


MINISTERIO DE AGRICULTURA
GANADERIA Y ALIMENTACION
GUATEMALA


MINISTERIO DE AGRICULTURA
Y GANADERIA
EL SALVADOR


MINISTERIO DE RECURSOS
NATURALES
HONDURAS


MINISTERIO DE DESARROLLO
AGROPECUARIO Y REFORMA AGRARIA
NICARAGUA


MINISTERIO DE AGRICULTURA
Y GANADERIA
COSTA RICA


MINISTERIO DE DESARROLLO
AGROPECUARIO
PANAMA


SECRETARIA DE AGRICULTURA
REPUBLICA DOMINICANA

APPROVAL AGREEMENT ON THE CONSTITUTION OF THE INTERNATIONAL REGIONAL ORGANIZATION OF PLANT AND ANIMAL HEALTH, SIGNED BY THE MINISTERS ON MAY 15TH, 1987

MEXICO

Approved by the Chamber of Senators of the Honorable Congress, only Decree of 2nd July 1990, published in the Official Newspaper, Vol. CDXLLLL No. 3, of 3rd August 1990.

EL SALVADOR

Legislative Decree No. 721 of 27th February 1991, published in the Official Newspaper No. 114 of 21st June 1991.

COSTA RICA

Law No. 7231 of 26th April 1991, published in the Official Newspaper No. 105, of 5th June 1991.

HONDURAS

Legislative Decree No. 24-93 of 2nd March 1993, published in the Official Newspaper No. 27.051 of 24th May 1993.

GUATEMALA

Legislative Decree No. 19-93 of 15th June 1993, published in the Official Newspaper No. 36 of 26th July 1993.

PANAMA

Law No. 24 of 16th August 1994, published in the Official Newspaper No. 22.603 of 18th August 1994.

NICARAGUA

Legislative Decree No. 977 of 24th February 1995, published in the Official Gazette Newspaper No. 40 of 16th February 1995.

THE DOMINICAN REPUBLIC

National Congress Resolution No. 149-02, approved by the Senate of the Republic on 6th August 2002. In the Chamber of deputies on 19th November 2002 and promulgated by the Executive Branch on 16th December 2002.

AFTERWARD, WERE ADHERED THE STATE OF:

BELIZE

Access document, issued by the Ministry of Foreign Affairs, National Security, Attorney General, sign on 21st March 1996.

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