



PRESIDENT van de REPUBLIEK SURINAME

Telefoon: (597)420102

e-mail: secretariaat@president.gov.sr

Aan:
De Voorzitter van
De Nationale Assemblée,
Mw. Drs. Jennifer Simons

Onderwerp:

Aanbieding Ontwerpwet houdende goedkeuring van de wijziging van artikel 1 van de "Lima Agreement"

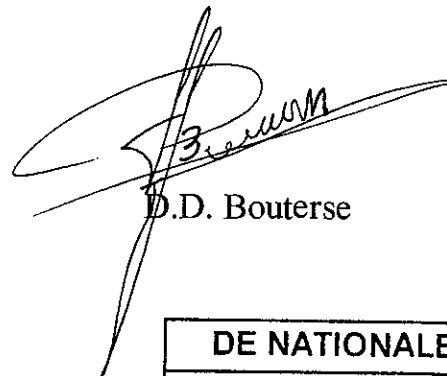
kenmerk: secpres/0012/20
Paramaribo, 10 januari 2020

Geachte Voorzitter,

Hierbij doe ik u, krachtens de artikelen 103 en 104 van de Grondwet, voor behandeling door De Nationale Assemblée toekomen de Ontwerpwet als in hoofde genoemd met de bijbehorende Memorie van Toelichting, alsmede de documenten waarop de Ontwerpwet betrekking heeft.

Indien De Nationale Assemblée de voorkeur geeft aan een stilzwijgende goedkeuring van de wijziging van art. 1 van deze Overeenkomst, dan verneem ik zulks gaarne van u en verzoek ik u om in dat geval de bijgevoegde Ontwerpwet als ingetrokken te beschouwen.

De President van de Republiek Suriname,



D.D. Bouterse

cc Vicepresident
Minister Buitenlandse Zaken
Secretaris van de Staatsraad

DE NATIONALE ASSEMBLEE	
Ingek. <i>14 januari</i>	20 <i>20</i>
Agenda no. <i>69/20</i>	
Verwezen	
Naar	

Wet van,
houdende goedkeuring van de wijziging
van artikel 1 van de "Lima Agreement"

ONTWERP

DE PRESIDENT VAN DE REPUBLIEK SURINAME,

In overweging genomen hebbende, dat het wenselijk is de wijziging van artikel 1 van de "Lima Agreement" aan de goedkeuring van De Nationale Assemblée te onderwerpen, welke goedkeuring ingevolge artikel 104 lid 1 van de Grondwet van de Republiek Suriname bij wet moet worden verleend.

Heeft de Staatsraad gehoord, na goedkeuring door de Nationale Assemblée, bekrachtigd de onderstaande wet:

Artikel 1

De "Decision XXXV/D/432" van 29 oktober 2004 zoals aangenomen tijdens de XXXV "Meeting of Ministers of OLADE" houdende wijziging van artikel 1 van de Lima Agreement inzake naamswijziging van "Latin American Energy Organization" (OLADE) naar "Latin American and Caribbean Energy Organization" (OLACDE).

Artikel 2

1. Deze wet wordt afgekondigd in het Staatsblad van de Republiek Suriname.
2. Zij treedt in werking met ingang van de dag volgende op die van haar afkondiging.
3. De Ministers van Natuurlijke Hulpbronnen en Buitenlandse Zaken zijn belast met de uitvoering van deze wet.

Gegeven te Paramaribo, de.....2019

DESIRÉ D. BOUTERSE

Wet van,
houdende goedkeuring van de wijziging
van artikel 1 van de "Lima Agreement"

MEMORIE VAN TOELICHTING

OLADE is een intergouvernementele internationale publieke organisatie, welke opgericht is op 2 november 1973, onder de Lima overeenkomst en is tevens geratificeerd door 26 lidlanden. Op 11 september 1979 heeft Suriname deze overeenkomst geratificeerd.

OLADE heeft als doel het bevorderen van de samenwerking en coördinatie en het verschaffen van technisch advies op het gebied van energie, met de focus op de promotie van integratie, energie bronnen, ontwikkeling, conservatie, rationeel gebruik, marketing, defensie en beveiliging van regionale energie bronnen.

Caricom welke ook een intergouvernementele organisatie is, is opgericht op 4 Juli 1973, onder het Verdrag van Chaguaramas. Suriname behoort ook tot 1 van de 15 lidlanden.

Het doel van de Caricom is gericht op regionale integratie en collaboratie op verschillende gebieden, daarbij inbegrepen energie.

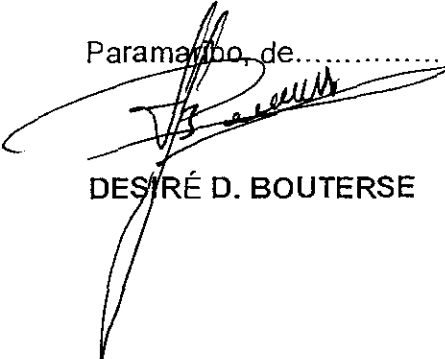
De Caribische landen hebben een effectieve participatie in de "Latin American Energy Organization" (OLADE). In de "XXXV Meeting of Ministers op 29 oktober 2004 te Venezuela is het besluit genomen om de naam te wijzigen van OLADE naar "Latin American and Caribbean Energy Organization" (OLACDE).

In artikel 36 van de Lima Agreement is bepaald dat alle wijzigingen van deze overeenkomst zullen worden aangenomen in een bijeenkomst van ministers en van kracht worden zodra alle lidstaten hebben geratificeerd.

Zodra het besluit genomen is om artikel 1 van de Lima Agreement te wijzigen, namelijk het wijzigen van de naam van OLADE naar OLACDE moet deze wijziging door alle lidstaten worden bekrachtigd zoals bepaald is in artikel 39 van het Verdrag van Wenen.

Het onderhavig wetsontwerp is noodzakkelijk ter voldoening van het bepaalde in artikel 104 lid 1 van de Grondwet van de Republiek Suriname.

Paramaribo, de.....2019



DESIRÉ D. BOUTERSE



DE RAAD VAN MINISTERS

MISSIVE

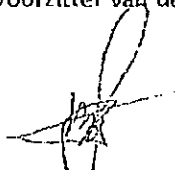
No. 153 /RvM

Paramaribo, 07 februari 2019.

Aan: de Minister van
Natuurlijke Hulpbronnen.

Hierbij deel ik u mede dat de Raad van Ministers naar aanleiding van Uw voorstel van 17 januari 2019 No. NH019/005 Geheim, in zijn vergadering van maandag 28 januari 2019 onder intrekking van de eerdere missive d.d. 30 november 2017 No. 885/R.v.M. zijn goedkeuring heeft gehecht aan de ontwerp wet houdende wijziging van artikel 1 van de Lima Agreement alsmede aan de daarbij behorende Memorie van Toelichting.

De Vice President,
Voorzitter van de Raad van Ministers,



Ir. M.A.S. ADHIN

cc: - de overige Ministers
- de Voorzitter van de Rekenkamer van Suriname

AGREEMENT ESTABLISHING THE LATIN AMERICAN ENERGY ORGANIZATION

THE GOVERNMENTS OF THE COUNTRIES SIGNING THIS DOCUMENT:

Bearing in mind that at the First Latin American Informal Consultative Meeting of Ministers of Energy and Petroleum held in Caracas, Venezuela, from August 21-24, 1972, it was proposed to formulate a plan for the establishment of a Latin American Energy Organization;

Taking into consideration that at the Second Latin American Consultative Meeting of Ministers of Energy and Petroleum held in Quito, Ecuador, from April 2-6, 1973, it was agreed to recommend to the Governments of the Region the establishment of the Latin American Energy Organization;

Taking into consideration that the Latin American peoples have the full and indisputable right to defend, safeguard, and utilize the natural resources within their territories, in the manner deemed by each as most appropriate for its interests, and in accordance with international law, whether these be energy, mineral, or agricultural resources, as well as fishing and other resources within the maritime jurisdiction and other waters of the said countries; and to defend themselves individually or collectively from all kinds of pressures brought to bear against any of them in their just struggle to exercise fully their sovereign rights;

Considering the possibility of utilizing the natural resources and particularly energy resources as an additional factor in regional integration, and of establishing adequate machinery to cope with the imbalances in their economies produced by the industrialized market economy countries;

Reaffirming the need to coordinate action through the Latin American Energy Organization to attain the objective of defending in the face of actions, sanctions, or coercions, the measures that these countries have adopted or may adopt in the exercise of their sovereignty, aimed at the preservation of their natural resources and especially their energy resources;

Recognizing the need to coordinate the action of the Latin American countries to develop their energy resources and deal jointly with the various problems relating to their efficient and rational utilization, in order to ensure independent economic and social development;

Decide to establish the Latin American Energy Organization and to conclude an Agreement for this purpose, to which end they have designated their respective Plenipotentiaries, to wit:

His Excellency the President of the Republic of Argentina

His Excellency the President of the Republic of Bolivia

His Excellency the President of the Federative Republic of Brazil

His Excellency the President of the Republic of Colombia

AGREEMENT ESTABLISHING
THE LATIN AMERICAN ENERGY ORGANIZATION

LIMA, NOVEMBER 1973

CHAPTER I

NAME AND PURPOSE

Article 1. To establish a regional body which shall be called the LATIN AMERICAN ENERGY ORGANIZATION (hereinafter referred to as the Organization or OLADE), with headquarters in the city of Quito, Ecuador.

Article 2. The Organization is an instrument for cooperation, coordination, and consultation, with its own juridical entity, whose fundamental purpose is the integration, protection, conservation, rational utilization, marketing, and defense of the energy resources of the Region.

CHAPTER II

OBJECTIVES AND FUNCTIONS

Article 3. The Organization shall have the following objectives and functions:

a) To promote solidarity of action among the Member Countries in order to utilize fully and defend the natural resources of each country and of the region as a whole, using such resources in the way in which each country - exercising its indisputable sovereign rights - deems most suitable for its national interests; and for individual and collective defense against all actions, sanctions or coercion that may be applied against any one of them, as a result of any measures they may have adopted to safeguard and utilize such resources in implementing their plans for economic and social development;

b) To promote, by joint effort, independent development of the energy resources and capacities of the Member States;

c) To promote an effective and rational policy for the exploration, exploitation, processing, and marketing of the energy resources of the Member States;

d) To ensure proper conservation of the energy resources of the Region through their rational utilization;

e) To promote and coordinate direct negotiations between the Member States, tending to ensure a stable and adequate supply of the energy required for the integral development of the Member States;

f) to stimulate the industrialization of energy resources and the expansion of industries to make production of energy possible;

g) To encourage among the members the implementation of energy projects of common interest;

His Excellency the President of the Republic of Costa Rica

His Excellency the President of the Republic of Cuba

His Excellency the President of the Government Military Junta of the Republic of Chile

His Excellency the President of the Dominican Republic

His Excellency the President of the Republic of Ecuador

His Excellency the President of the Republic of El Salvador

His Excellency the President of the Republic of Guatemala

His Excellency the President of the Republic of Guyana

His Excellency the President of the Republic of Honduras

His Excellency the Prime Minister of Jamaica

His Excellency the President of the United Mexican States

Their Excellencies the Members of the National Government Junta of Nicaragua

His Excellency the President of the Republic of Panama

His Excellency the President of the Republic of Paraguay

His Excellency the President of the Revolutionary Armed Forces Government of Peru

His Excellency the Prime Minister of Trinidad and Tobago

His Excellency the President of the Eastern Republic of Uruguay

His Excellency the President of the Republic of Venezuela

Who, having deposited the instruments of their Full Powers, which have been found in good and proper order,

AGREE TO:

h) To contribute, at the request of all the parties directly involved, to understanding and cooperation among the Member States, in order to facilitate proper utilization of their shared natural energy resources and avoid any appreciable detrimental effects;

i) To promote the creation of a financial body for carrying out energy and energy-related projects in the Region;

j) To devise such ways and means as will ensure the landlocked countries of the area, in situations not governed by treaties or conventions, free passage and the use of different means for transporting energy resources, as well as related facilities, through the territories of the Member States;

k) To encourage the development of means for maritime, river and overland transport and the conveyance of energy resources belonging to the countries of the Region, promoting their coordination and supplementation so as to achieve optimum utilization of these resources;

l) To promote the creation of a Latin American energy market, initiating this effort by developing a price policy which will help to ensure a just participation of the Member Countries in the advantages to be derived from the development of the energy sector;

m) To encourage the formulation and development of common energy policies as a factor of regional integration;

n) To foster, among Member States, technical cooperation and exchange and dissemination of scientific, juridical and contractual information, and to facilitate the development and transfer of technology in energy-related activities; and

o) To promote among the Member States the adoption of effective measures to prevent environmental pollution due to the exploitation, transportation, storage, and utilization of the energy resources of the Region and to recommend the measures deemed necessary to prevent environmental pollution caused by the exploitation, transportation, storage, and utilization of the energy resources within the Region, in areas not under the jurisdiction of the Member States.

CHAPTER III

MEMBERSHIP

Article 4. The States that sign this Agreement and ratify it in accordance with their respective legislative provisions shall be members of this Organization.

Article 5. Any other State so requesting it may become a member of the Organization, provided that it fulfills the requirements of being a sovereign and independent state, of being located within Latin American territory, and of having deposited the corresponding instrument of adherence in accordance with the internal procedures of its country and expresses its willingness to fulfill the obligations issuing from this Agreement.

Article 6. Any Member State of the Organization may denounce this Agreement at any time. Its rights and obligations to the Organization shall cease thirty days after the instrument of denunciation has been deposited with the Permanent Secretariat.

Article 7. In the event that a State which has ceased to be a member of the Organization requests readmission, this shall be granted if the respective application is approved by the Meeting of Ministers, its readmission becoming effective when it deposits the instrument of adherence with the Permanent Secretariat and fulfills the obligations arising from this Agreement.

CHAPTER IV

STRUCTURE

Article 8. The Organization comprises the following bodies:

- a) The Meeting of Ministers;
- b) The Council of Experts;
- c) The Permanent Secretariat; and
- d) Such other bodies as the Meeting of Ministers may establish.

Article 9. The Meeting of Ministers shall be composed of the Ministers or Secretaries of State responsible for matters relating to energy.

In the event that they should be unable to attend a Meeting, the Ministers may be represented by delegates appointed for that purpose, with the same voting rights.

The Ministers or Secretaries of State may attend the Meeting accompanied by Experts and Advisers.

Article 10. The Meeting of Ministers, as the highest authority of the Organization, shall have the following functions:

- a) To formulate the general policy of the Organization and to approve the necessary regulations for fulfilling its objectives;
- b) To recommend policy alternatives for overcoming unfavorable situations affecting the Member States;
- c) To approve the Work Program of the Organization and to analyze and evaluate the results of its activities;
- d) To consider the Annual Budget of the Organization, to determine the contributions of Member States subject to prior approval by the said States and to approve the Annual Report and Balance Sheet and annual financial statements;

- e) To approve and amend the Internal Regulations;
- f) To elect the President and Vice-President of the Meeting of Ministers;
- g) To appoint and remove the Executive Secretary of the Permanent Secretariat, in accordance with this Agreement and the respective Regulations;
- h) To consider the reports and recommendations of the Council of Experts and the Permanent Secretariat;
- i) To ensure that applications for membership by new members meet the requirements provided for under Article 5 of this Agreement;
- j) To designate the place of the next Meeting of Ministers and to set the date thereof; and
- k) To examine and resolve any other matter of common interest regarding regional energy, in accordance with the objectives of this Agreement.

Article 11. Each Member State has the right to one vote in the Meeting of Ministers.

Article 12. The Meeting of Ministers shall have a quorum of at least two thirds of the Member States.

Article 13. The Meeting of Ministers shall hold two ordinary meetings annually on the dates specified in the Regulations. It shall also hold extraordinary meetings when convened by the Executive Secretary in the following cases:

- 1) When the Meeting of Ministers itself shall so decide;
- 2) When requested by one of the Member States and approved by at least two thirds of the Member States; and
- 3) When requested by a Member State on the basis of the provisions of paragraph a) of

Article 3.

Article 14. The decisions of the Meeting of Ministers shall be adopted by an affirmative vote of at least two thirds of the Member States.

Article 15. The President of the Meeting of Ministers shall hold office until the next ordinary meeting, and shall preside at any extraordinary meetings that may be held in the interim.

Article 16. The Council of Experts shall comprise the Delegates appointed by the Member States.

Article 17. The Council of Experts shall hold two ordinary meetings every year, as a Preparatory Committee for the Meeting of Ministers, and extraordinary meetings when summoned by the Permanent Secretariat at the request of at least one third of the Member States.

Article 18. The Council of Experts shall have the following functions:

- a) To advise on the activities of the Executive Secretary and any other body of the Organization, in accordance with the Regulations that the Meeting of Ministers may adopt;
- b) To submit the Agenda, provisional work programs, studies, and projects to be considered by the Meeting of Ministers;
- c) To conduct the studies and perform the activities entrusted to it by the Meeting of Ministers; and
- d) Any other functions assigned to it by the Meeting of Ministers.

Article 19. The Permanent Secretariat is the Executive Body of the Organization, shall be headed by the Executive Secretary, and shall have the required technical and administrative personnel, in accordance with the budget approved by the Meeting of Ministers.

Article 20. The Permanent Secretariat shall be headed by an Executive Secretary, and shall have the following functions:

- a) To implement decisions entrusted to it by the Meeting of Ministers;
- b) To administer the affairs of the Organization in accordance with the policy established by the Meeting of Ministers;
- c) To prepare the Internal Regulations and submit them for the consideration of the Meeting of Ministers;
- d) To provide the Governments of the Member States with the reports prepared by the Meeting of Ministers, the Council of Experts and other established bodies, as well as any other document issued by the Organization;
- e) To prepare the Agenda, documents and provisional work programs for the meetings of the Council of Experts;
- f) To prepare the draft Program-Budget, Annual Report, Balance Sheet and financial statements and submit them for consideration by the Meeting of Ministers subject to previous study by the Council of Experts;
- g) To make recommendations to the Meeting of Ministers and the Council of Experts on matters of interest to the Organization;
- h) To encourage studies on the incidence of energy resources, especially hydrocarbons, in the economic and social development of the Member States, as well as any other studies relating to the objectives of the Organization;
- i) To keep an inventory of the energy resources, requirements, legislation, and programs of the Member States;

j) To convene groups and panels of experts it considers necessary for the implementation of its work programs and of the activities entrusted to it by the Meeting of Ministers;

k) To collect information from the Member States and bodies within and outside the Region, relative to the objectives of the Organization;

l) To convoke the Meeting of Ministers and the Council of Experts;

m) To collect the contributions of the Member States and control the assets of the Organization; and

n) To carry out any other duty entrusted to it by the Meeting of Ministers.

Article 21. The Executive Secretary shall be a citizen of one of the Member States and shall reside at the headquarters of the Organization. He shall be elected for a period of three years, and shall be eligible for re-election only once. The election shall take place three months after nominations of candidates by Member States and after a comparative study of the qualifications of the candidates has been made. The minimum qualifications required for the office of Executive Secretary shall be as follows:

a) A degree in law, engineering, economics, science, administration, or any other discipline related to energy, conferred by a recognized university.

b) Experience in matters relating to energy, to have held responsible executive or administrative positions, and to possess a knowledge of at least two of the working languages of the Organization.

Article 22. The Executive Secretary shall be responsible for fulfilling the functions of the Permanent Secretariat, shall act as Secretary of the Meeting of Ministers and of the Council of Experts, and shall act as the legal and institutional representative of the Organization. He shall also have the power to appoint and remove the technical and administrative personnel of the Permanent Secretariat, in accordance with the provisions of the Internal Regulations of the said Organization, and to ensure the geographic and equitable distribution of the personnel.

Article 23. Every member of OLADE pledges himself to respect the exclusively international nature of the responsibilities of the Executive Secretary and of his staff, and he shall in no way try to exert any influence on them in the performance of their obligations.

In the performance of his duties, neither the Executive Secretary nor his staff shall seek or accept any direction or guidance by any Government, whether it be a member of the Organization or not; neither will they accept any direction or guidance by any other official entity outside the Organization. In their capacity as officials of the said Organization, they shall not perform any act that may be prejudicial to the Organization.

Article 24. Every Member State shall seek to establish the internal machinery for coordinating and performing the activities of the Organization.

CHAPTER V

ASSETS AND FINANCIAL RESOURCES

Article 25. The net assets of the Organization shall consist of acquisitions by gift or purchase less liabilities.

Article 26. The financial resources of the Organization shall consist of:

- i) The ordinary annual contributions approved by the Meeting of Ministers and
- ii) The special contributions agreed upon by the Meeting of Ministers in accordance with the provisions of paragraph d) of Article 10, as well as donations, bequests and other contributions, that it may receive in accordance with the appropriate regulations.

Article 27. Any Member State in arrears in its financial contributions to the Organization shall lose its privileges in the Meeting of Ministers, provided that the amount due is equal to or greater than its assessed contribution for the previous year. The Meeting of Ministers may, nevertheless, permit such a member the right to vote in the event that the non-payment was due to circumstances beyond its control.

CHAPTER VI

JURIDICAL PERSONALITY, IMMUNITIES AND PRIVILEGES

Article 28. The Organization, as a legal entity, may enter into any contract, appear in suits and, in general, undertake all of the activities necessary for the accomplishment of its objectives.

Article 29. In the discharge of their functions, the Ministers and Delegates of the Member States and the Officials and Advisers shall enjoy the diplomatic immunities and privileges accorded to international organizations.

Article 30. The Organization and the host State shall conclude an Agreement on Immunities and Privileges.

CHAPTER VII

OFFICIAL LANGUAGES

Article 31. The official languages of the Organization shall be Spanish, English, Portuguese, and French, and all documents shall be simultaneously distributed in all the official languages.

CHAPTER VIII

GENERAL PROVISIONS

Article 32. The Organization shall be based on the principle of the sovereign equality of all Member States, which shall fulfill the obligations undertaken by them upon the ratification of this Agreement, that they may all enjoy the rights and benefits thereof.

Article 33. OLADE will utilize the cooperation of the bodies already created or to be created, in the Latin American area, specializing in some field of energy.

Article 34. This Agreement shall be subject to ratification by the Signatory States, and the respective instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Government of the Republic of Ecuador, which shall notify the Foreign Offices of the other Member States.

Article 35. No reservation may be made to this Agreement at the time of signing, ratification, or adherence.

Article 36. Amendments to this Agreement shall be adopted at a Meeting of Ministers convened for the purpose, and shall become effective once they have been ratified by all the Member States.

Article 37. The present Agreement shall come into force between the ratifying States thirty days after the twelfth instrument of ratification shall have been deposited.

This Agreement shall be known as the Agreement of Lima.

In witness whereof the Plenipotentiary Representatives of their respective Governments, subscribe to the present Agreement, in the City of Lima, Peru, on the second day of the month of November in the year nineteen hundred and seventy-three, in four copies in the English, French, Portuguese, and Spanish languages, all four texts being equally valid. The Government of the Republic of Peru will be the depository of this Agreement, and will send certified copies of the same to the Governments of the signatory and adhering countries.

By the Government of Argentine Republic
His Excellency Mr. Herminio Roberto Sbarra

By the Government of the Republic of Bolivia
His Excellency Mr. Carlos Miranda

By the Government of the Federative Republic of Brazil

His Excellency Mr. Benjamin Mario Baptista

By the Government of the Republic of Colombia
His Excellency Mr. Gerardo Silva Valderrama

By the Government of the Republic of Costa Rica
His Excellency Mr. Julio Ortíz López

By the Government of the Republic of Cuba
His Excellency Commander Pedro Miret Prieto

By the Government of the Republic of Chile
His Excellency General Arturo Yovane Zúñiga

By the Government of the Republic of Ecuador
His Excellency Captain Gustavo Jarrín Ampudia

By the Government of the Republic of El Salvador
His Excellency Mr. Oscar Pineda Castro

By the Government of the Republic of Guatemala
His Excellency Mr. Oscar Pineda Castro

By the Government of the Republic of Guyana
His Excellency Mr. Hubert O. Jack

By the Government of the Republic of Honduras
His Excellency Colonel Armando Velásquez Cerrato

By the Government of Jamaica
His Excellency Mr. Allan Isaacs

By the Government of the United Mexican States
His Excellency Mr. Horacio Flores de la Peña

By the Government of the Republic of Nicaragua
His Excellency Mr. José L. Sandino

By the Government of the Republic of Panama
His Excellency Dr. Jorge Luis Quiros

By the Government of the Republic of Paraguay
His Excellency Dr. Fermín Dos Santos Silva

By the Government of the Republic of Peru
His Excellency General Jorge Fernández Maldonado Solari

By the Government of the Dominican Republic

His Excellency Dr. Ciro A. Dargam Cruz

By the Government of Trinidad and Tobago
His Excellency Mr. Wilfred Naimool

By the Government of the Eastern Republic of Uruguay
His Excellency Dr. Julio César Lupinacci

By the Government of the Republic of Venezuela
His Excellency Mr. Hugo Pérez La Salvia

MONITORING THE PROCESS OF CHANGING THE NAME FROM OLADE TO OLACDE

MAY, 2008

Legal Precedents:

Background Information:

Historical Report:

During the XXXV Ministerial Meeting held in Margarita Island – Venezuela on October 29th, the Delegation of Trinidad and Tobago requested to change the name from Latin American Energy Organization, OLADE to Latin American and Caribbean Energy Organization OLACDE.

In attention to this demand and as recognition for the Caribbean Countries' active participation, the Meeting of Ministers of OLADE issued Decision XXXV/D/432 through which the Permanent Secretariat was instructed to begin the process and to pursue all potential options to change the name from OLADE to OLACDE as soon as possible.

Considering the analysis of the criteria and legal reports made by the legal consultants hired by the Permanent Secretariat, the XXXVI Meeting of Ministers of OLADE held on October 28th, 2005 adopted Decision XXXVI/D/442 which established that the most workable option to change the name would be to reform Article 1 of the Lima Agreement, it also instructed the Permanent Secretariat to begin this process, to prepare a schedule to ratify the modification of the Lima Agreement in each Member Country, to set a deadline of no longer than three years and immediately change the name from OLADE to OLACDE effective as soon as the process of ratification by all Member Countries is completed.

On its part, the Strategy and Programming Committee discussed the issue in its Ordinary Meetings X, XI, XII and in its Extraordinary Meeting V. The current Directive Committee, CODI during its Ordinary Meeting asked the Permanent Secretariat to monitor and to promote this issue by sending a communication to the Member Countries' Ministers of Foreign Relations to consider the ratification of the name change is pending, which was done on September 6th, 2007.

On October 5th, 2008, the Permanent Secretariat sent a letter to the Ministers of Energy and Mines soliciting their encouragement to the Ministers of Foreign Relations in order to culminate the ratification process.

In addition, CODI considered itself done with this issue and included the changing name process in the Agenda of the XXXVIII Ministers Meeting held on November 30th, 2007.

The majority of countries have showed their support to the name change and they have informed the ratification process is in the pertinent official instances. However, some countries could not make a progress on the matter because they consider that the content of Decisions XXXV/D/432 y XXXVI/D/442 does not imply any amendment to Article 1 in the Lima Agreement.

With this background and in order to accomplish Article 36 of the Lima Agreement, that establishes "the modifications to the present Agreement will be adopted in a Ministers Meeting set for that reason, those modifications will effect once all the Member Countries ratify them" the Permanent Secretariat presented a Ministerial Decision Project to the XXXVIII Ministers Meeting in order for them to approve the change of name from OLADE to OLACDE by reforming Article 1 of the Lima Agreement and all the other article referring to the Organization's name; this legal instrument will allow the Member Countries to conclude the ratification process.

After the last CODI meeting, in the Ministers Meeting issued the XXXVIII/D/453 resolution (see encl.) which says:

"ARTICLE 1: Reform Article 1 of the Lima Agreement which changes the name from Latin American Energy Organization (OLADE) to Latin American and Caribbean Energy Organization, OLACDE."

In this sense, the Permanent Secretariat informed all the Member Countries the resolution so it can be revalidated through out the ratification mechanism determined in the legal system of each country. Therefore, since there is not any official answer from each country, the reform to the Lima Agreement 1973 can not be done.