

PROVISIONAL ADMINISTRATION OF EUROPEAN  
COLONIES AND POSSESSIONS IN THE AMERICAS  
(ACT OF HAVANA)

*Declaration and resolution adopted by the Second Meeting of the  
Ministers of Foreign Affairs of the American Republics at Havana  
July 30, 1940  
Entered into force July 30, 1940*

54 Stat. 2491; Executive Agreement Series 199

ACT OF HABANA CONCERNING THE PROVISIONAL ADMINISTRATION  
OF EUROPEAN COLONIES AND POSSESSIONS IN THE AMERICAS

WHEREAS:

1. The status of regions in this continent belonging to European powers is a subject of deep concern to all of the Governments of the American Republics;

2. As a result of the present European war there may be attempts at conquest, which has been repudiated in the international relations of the American Republics, thus placing in danger the essence and pattern of the institutions of America;

3. The doctrine of inter-American solidarity agreed upon at the meetings at Lima and at Panama requires the adoption of a policy of vigilance and defense so that systems or regimes in conflict with their institutions shall not upset the peaceful life of the American Republics, the normal functioning of their institutions, or the rule of law and order;

4. The course of military events in Europe and the changes resulting from them may create the grave danger that European territorial possessions in America may be converted into strategic centers of aggression against nations of the American Continent;

The Second Meeting of Ministers of Foreign Affairs of the American Republics,

DECLARES:

That when islands or regions in the Americas now under the possession of non-American nations are in danger of becoming the subject of barter of territory or change of sovereignty, the American nations, taking into account

the imperative need of continental security and the desires of the inhabitants of the said islands or regions, may set up a regime of provisional administration under the following conditions:

(a) That as soon as the reasons requiring this measure shall cease to exist, and in the event that it would not be prejudicial to the safety of the American Republics, such territories shall, in accordance with the principle reaffirmed by this declaration that peoples of this continent have the right freely to determine their own destinies, be organized as autonomous states if it shall appear that they are able to constitute and maintain themselves in such condition, or be restored to their previous status, whichever of these alternatives shall appear the more practicable and just;

(b) That the regions to which this declaration refers shall be placed temporarily under the provisional administration of the American Republics and this administration shall be exercised with the two-fold purpose of contributing to the security and defense of the Continent, and to the economic, political and social progress of such regions and,

**RESOLVES:**

To create an emergency committee, composed of one representative of each of the American Republics, which committee shall be deemed constituted as soon as two-thirds of its members shall have been appointed. Such appointments shall be made by the American Republics as soon as possible.

The committee shall meet on the request of any signatory of this resolution.

If it becomes necessary as an imperative emergency measure before the coming into effect of the convention approved by this Consultative Meeting, to apply its provisions in order to safeguard the peace of the continent, taking into account also the desires of the inhabitants of any of the above-mentioned regions, the committee shall assume the administration of the region attacked or threatened, acting in accordance with the provisions of the said convention. As soon as the convention comes into effect, the authority and functions exercised by the committee shall be transferred to the Inter-American Commission for Territorial Administration.

Should the need for emergency action be so urgent that action by the committee cannot be awaited, any of the American Republics, individually or jointly with others, shall have the right to act in the manner which its own defense or that of the continent requires. Should this situation arise, the American Republic or Republics taking action shall place the matter before the committee immediately, in order that it may consider the action taken and adopt appropriate measures.

None of the provisions contained in the present Act refers to territories or possessions which are the subject of dispute or claims between European powers and one or more of the Republics of the Americas.

*Reservation of the Argentine Delegation:*

The Delegate of the Argentine Republic in signing this Act places on record that it does not refer to or include the Malvinas Islands, because the latter do not constitute a colony or possession of any European nation, since they are a part of the Argentine territory and are included within its dominion and sovereignty, as was stated at the Panama meeting, which statement he considers reiterated hereby in its entirety, and also with reference to other southern Argentine regions as he has stated in the deliberations of this Commission. He likewise states that the signing of this Act and Resolution does not affect and leaves intact his Government's powers established in the constitutional norms which obtain in Argentina, with respect to the procedure applicable in order that this Act and Resolution may acquire validity, force and effectiveness.

*Reservation of the Uruguayan Delegation:*

The Delegation of the Republic of Uruguay states that the purpose of this Act is to anticipate the carrying out of the Convention approved on this subject, in case it is necessary to apply the Convention before the number of ratifications requisite for its taking effect has been obtained.

It wishes, therefore, to place on record a reservation respecting the attitude of its Government, under the latter's express instructions, in case it should deem necessary, prior to the application of the Act, to examine the question of whether under the Uruguayan constitutional regime, prior legislative ratification is required.

*Reservation of the Chilean Delegation:*

The Delegation of Chile, convinced of the need of giving practical application to continental solidarity, approves the agreements with the understanding that Chile will only assume obligations and responsibilities when the aforementioned agreements are ratified by its constitutional bodies.

*Reservation of the Colombian Delegation:*

I vote affirmatively with the statement that I shall sign the Act of Habana and the Declaration concerning Reciprocal Assistance and Cooperation for the Defense of the Nations of the Americas, subject to approval by my Government and to the constitutional norms of my country.

*Reservation of the Venezuelan Delegation:*

The Venezuelan Delegation signs with the understanding that the Act of Habana relative to colonial possessions is subject to ratification by the Public Power of the Nation in accordance with its constitutional provisions.

*Additional Reservation of the Chilean Delegation:*

The Chilean Delegation, at the time of signing the present Final Act, makes reservation in addition to the reservation set forth in yesterday's Private Plenary Session, of the rights of Chile in Antarctica.

[The Act of Havana was included in the final act of the Second Meeting of Ministers of Foreign Affairs of the American Republics. The signatures were the same as those on the convention on the provisional administration of European colonies and possessions in the Americas (TS 977), which was signed on the same day (see p. 628).]