Remarks by Ambassador Fernando Simas Magalhães

There are three main misperceptions about the Rio Treaty:

1) The first one is that the Rio Treaty is an instrument for military intervention.

- Before its application to Venezuela last year, the Rio Treaty had been invoked 20 times since its entering into force, in 1948.

- The majority of the situations referred to traditional threats involving two or more Member States of the OAS, such as invasion of territory and interference in domestic affairs.

- Only in four cases had the Rio Treaty been applied to address issues involving an extra-continental threat: the cases of Cuba, in January and October 1962, which involved threats resulting from the association of the Cuban government with the Soviet bloc; the question of the Malvinas Islands, in 1982, involving the United Kingdom; and the 9/11 terrorist attacks, in 2001.

- In none of the 20 cases was military intervention applied.

- The case of Dominican Republic, in 1965, is emblematic of the misunderstandings surrounding the Rio Treaty. The deployment of an interamerican force to that country was NOT, as commonly proclaimed, a decision taken under the Treaty, but by the Tenth Consultation Meeting of Ministers of Foreign Affairs, summoned under the OAS Charter. The official documents related to this case do not even mention the Rio Treaty.

- In brief, the natural conclusion is that, far from being an instrument for military intervention – although the use of force is one possible
measure established in the treaty - the Rio Treaty proved to be a very effective mechanism for peaceful mediation of crises in the Hemisphere.

- In the case of the present Venezuelan crisis, the use of force is NOT on the table.

2) The second misperception – related to the first one and commonly highlighted by opponents of the instrument – is that the Rio Treaty is anachronistic and should not be applied to the Venezuelan crisis.

- The most common perception about the Rio Treaty is that it is a by-product of the Cold War, conceived as a collective defense mechanism against the threat posed by the Soviet Union. For that reason, it should be revoked, as it is not applicable to the post-Cold War period.

- This assessment is only partially correct. It is true that the Rio Treaty was designed as a collective defense mechanism in the context of the Cold War. And it was effective when applied to at least four situations involving Cuba acting as a proxy to the Soviet Union (1959, January and October 1962 and 1964).

- Nonetheless, as mentioned above, the rest of the cases where the Rio Treaty was invoked referred to traditional threats involving two or more countries of the Hemisphere, with no direct relation to the Cold War.

- The Rio Treaty is regarded as a Cold War instrument, but, in practice, it is a broad legal basis that can be applied to a set of different situations. It covers not only extra-Hemispheric threats and conflicts among countries of the regions.

- It is also open to situations where the “inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack” or - even broader – “by any other fact or situation that might endanger the peace of America”.

2
• Those situations, reflected in its Article 6, are the basis for the two latest situations which justified the application of the Rio Treaty: the 9/11 terrorist attacks and the present case of Venezuela.

• To sum up, far from being anachronistic, the Rio Treaty is a dynamic legal instrument that survived the Cold War and proved to be a very useful interamerican mechanism.

• For the specific case of Venezuela, the Rio Treaty is fully compatible with the consolidated concept of multidimensional security, as reflected in many agreed interamerican documents, such as the Declaration of Bridgetown (the Multidimensional Approach to Hemispheric Security), adopted in 2002, and the Declaration on Security in the Americas, approved in 2003.

• Both documents were inspired by a concept that include non-traditional threats like intra-state insurgencies, drug-trafficking, terrorism, illegal migration, health risks, natural disasters, human rights violations, extreme poverty and inequality, smuggling of goods, arms trafficking, human trafficking, among others. Many of these security issues are transnational in nature and may require coordination amongst the several agencies of the state as well as international cooperation.

• The Rio Treaty must be interpreted in conjunction with those documents.

3) The third misperception is that the Rio Treaty is a panacea for addressing the political crisis in Venezuela.

• The Venezuelan crisis is multidimensional. The Maduro regime converted the country into a criminal State, with ties to transnational organized crime and terrorist groups. Its economy collapsed. The State cannot provide for basic services for its population, which is being forced to migrate. Famine and poverty are at critical levels. The regime created a brutal apparatus that is violently undermining any opposition.
• The Rio Treaty was not designed to put an end to authoritarian regimes nor to pacify societies. Neither is it intended as a means to restore democracy.

• So what is the role of the Treaty in the Venezuelan crisis?

• The answer is simple. The main purpose of the Rio Treaty is to address the threats that the Maduro regime poses to security and stability of the region. In more specific terms, it aims to address the security impacts in the region as a consequence of the criminal state that has been installed in Venezuela.

• The two resolutions adopted so far by the treaty’s Organ of Consultation established a mechanism to investigate and punish persons associated with the Maduro regime responsible for transnational organized crime, such as drug trafficking, money laundering, terrorism and mass violations of human rights.

• The Rio Treaty should be seen as part of a set of measures adopted by the international community to address the multidimensional crises in Venezuela. It targets one specific and very significant component of the crisis, but it will not be a panacea to restore democracy in Venezuela.

• The political, economic and social normality in Venezuela will only be achieved by the Venezuelan people.

Conclusions

In the light of the remarks made above, I offer some conclusions:

1) although the Rio Treaty cannot be considered a panacea for resolving the Venezuelan crisis, it is a crucial instrument to prevent the Maduro regime to continue fueling destabilization in the region;

2) as a legally-binding instrument, it provides a legal basis for most of its States Parties to apply measures that could not otherwise implemented. The decision taken by Organ of Consultation last
December to designate 29 persons of the Maduro regime to be subject to sanctions illustrates a meaningful measure that was not established in most legal systems of the countries of the Hemisphere, but that can now be applied by the States Parties of the Rio Treaty;

3) there is major support among the States Parties for advancing this exercise, through the implementation of measures to combat drug trafficking, terrorism, money laundering and human rights violations;

4) other options foreseen in Article 8 are also on the table ("recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radiotelegraphic communications"). The red line is the use of force, which is not currently being considered as an option;

5) the Rio Treaty also contributes, although it is not its main purpose, to the efforts of the international community to increase the isolation of the regime; and

6) most important: the Rio Treaty is part of a set of combined measures adopted by the international community to assist the Venezuelan people to find their path to democracy and development.