



## Security Council

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### **Letter dated 20 September 2019 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council**

I have the honour to write to you to denounce several dangerous actions that threaten the peace and security of Venezuela and the Latin American and Caribbean region as a whole.

In a previous communication, a letter dated 6 August 2019 (S/2019/641), the Security Council was informed of the threats made by the President of the United States of America, Donald Trump, to commit an act of war by imposing a naval blockade against Venezuela. We note with concern a new attempt to fabricate an excuse for aggression using the Inter-American Treaty of Reciprocal Assistance, to which our country is not a party.

On 11 September 2019, 11 countries in the Americas (Argentina, Brazil, Chile, Colombia, El Salvador, United States, Guatemala, Haiti, Honduras, Paraguay, Dominican Republic) resolved to convene a meeting of the Organ of Consultation of the Inter-American Treaty of Reciprocal Assistance, on the grounds that the current situation in Venezuela has a “destabilizing impact” and poses a “threat to peace and security in the Hemisphere”, as may be seen from the attachment (see annex).

The Inter-American Treaty of Reciprocal Assistance, signed in 1947 and since then never activated, is an instrument associated with the cold war, the division of the world into ideological blocs and the use of military force to maintain the hegemony of the Government of the United States of America in Latin America and the Caribbean. It is a legal expression of the colonialist Monroe Doctrine proposed in 1823, which condemns the Americas to subordinate themselves to the primary power in the continent.

Although, geographically, the intention is for the Inter-American Treaty of Reciprocal Assistance to cover the 35 countries of the Americas, only 18 countries have ratified it, 12 countries never joined it and 5 countries have denounced it, the Treaty ceasing to have effect for those States. These include the Bolivarian Republic of Venezuela, which, on 14 May 2013, invoked article 25 of the Treaty to denounce it.

As a result of the decision to convene the Organ of Consultation of the Inter-American Treaty of Reciprocal Assistance, the remaining States of the Americas that are not parties to the instrument (17 States) are excluded from participating in regional affairs while plans are being made to engage in military aggression against a non-signatory State: the Bolivarian Republic of Venezuela.

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The use or threat of use of military force, without authorization from the Security Council of the United Nations, are practices that violate the Charter of the United Nations, the international treaty accepted by 193 countries to govern relations between States and to which all its signatories, including the members of the Inter-American Treaty of Reciprocal Assistance, committed themselves to respect international peace and security. In cases in which regional treaties contravene the Charter, it is clearly established that obligations under the United Nations prevail, not those under any other international agreement:

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail (Art. 103),

The use of the Inter-American Treaty of Reciprocal Assistance, as invoked on 11 September 2019, is a violation of the right to peace and security of the Venezuelan people and the rights of the Bolivarian Republic of Venezuela as a full State Member of the United Nations. It is clear that all States Members of the United Nations should handle their disputes without violating the principles, authority and procedures established in the Charter and the body of international law that derives from its application. The deliberate refusal to do so has serious consequences, as we will see:

In article 8 of the Inter-American Treaty of Reciprocal Assistance, it is stated that:

... the measures on which the Organ of Consultation may agree will comprise one or more of the following: 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; and use of armed force.

It is no coincidence that the President of the United States of America, Donald Trump, on 1 August 2019 announced that he was considering the imposition of a naval blockade against the Bolivarian Republic of Venezuela. The use of the Inter-American Treaty of Reciprocal Assistance as a tool to implement the naval blockade was announced on 17 September 2019 but with the real reason of the act of war being expressed; it is no longer a question of the regional threat, but a coup d'état against the Government of Venezuela.

The United States continues to support interim President Juan Guaidó, the National Assembly, and the Venezuelan people as they seek to restore democracy to their country. To this end, the United States and our partners have invoked the TIAR/Rio Treaty, which facilitates further collective action to confront the threat posed by the former regime of Nicolas Maduro to the Venezuelan people and to the region. We look forward to coming together with regional partners to discuss the multilateral economic and political options we can employ to the threat to the security of the region that Maduro represents.<sup>1</sup>

Now the United States Government is invoking the Treaty for Venezuelan domestic policy reasons that have nothing to do with the maintenance of international peace and security; rather, the use of force is being threatened to overthrow the constitutional Government of Venezuela, in violation of the principles of sovereignty and self-determination of peoples enshrined in the Charter in its Article 2.4:

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<sup>1</sup> Press statement of the United States Department of State: <https://www.state.gov/suspension-of-talks-between-venezuelas-interim-government-and-the-former-maduro-regime>.

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

The Government of the United States of America is being supported in its military interventionism by the Government of Colombia which intends to militarize its relations with Venezuela by trying to involve our country in its longstanding internal war whose causes are purely endogenous. However, we can find the true motivations for the militaristic rhetoric of the Government of President Iván Duque in the statements by his Minister for Foreign Affairs, Carlos Holmes Trujillo, to the Permanent Council of the Organization of American States when he requested the convocation of the Inter-American Treaty of Reciprocal Assistance Organ of Consultation:

We will maintain our political and diplomatic efforts and continue to make these denunciations, supported by international law and having recourse to existing instruments to establish the conditions that will ultimately allow the brothers and sisters of Venezuela to live once more in democracy and liberty.

The military interventionism appears once again as a tool to force the overthrow of the democratic Government of Venezuela. What authority does the Government of Colombia have to put in place the conditions that would bring about a change of Government in Venezuela? What we have is an unequivocal confession of goals and actions that violate the Charter of the United Nations. The motivations have nothing to do with international peace and security; rather, the aim is to bolster the interests of the Governments of the United States and Colombia as they move to control the Venezuelan political system.

Activation of the Organ of Consultation of the Inter-American Treaty of Reciprocal Assistance for interventionist reasons, on the basis of article 8 of the Treaty, sets the stage for engaging in aggression against Venezuela, aggression being understood as set out in article 1 of resolution 3314 (XXIX) of the United Nations General Assembly, of 14 December 1974:

Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations.

The fact that an amendment proposed by the delegation of Costa Rica, aimed at discarding the use of military force from the options to deal with the “situation” of Venezuela was rejected by the countries that adopted the resolution is proof that invoking the Inter-American Treaty of Reciprocal Assistance is an attempt to justify military force against Venezuela.

The 11 States that are threatening to use armed force against Venezuela are manipulating a regional agreement, the Inter-American Treaty of Reciprocal Assistance, to deliberately ignore the authority of the Security Council of the United Nations. Under Article 53 of the Charter, any regional agreements that provide for coercive measures are subject to authorization by the only body legally empowered to apply forcible measures in the world:

The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council ...

It is not possible to use the Inter-American Treaty of Reciprocal Assistance without the express authorization of the Security Council. In the case of Venezuela, that authorization does not exist, nor has it been requested. The United States of

America and its accompanying countries are in breach of the Charter when they claim for themselves the power that all States gave only the Security Council, as established in Article 24.1:

In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

The Government of the United States of America and the Government of Colombia, in invoking the activation of the Inter-American Treaty of Reciprocal Assistance, accuse Venezuela of being a “threat to peace and security in the Hemisphere”. This reckless accusation is wholly unfounded. Moreover, it violates international law because the United States Government has no authority to call Venezuela a threat that warrants the use of military force. That authority is exclusive to the Security Council, as established in Article 39 of the Charter of the United Nations, which states:

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

In the 70-year history of the Inter-American Treaty of Reciprocal Assistance, the United States has used military force in Latin America and the Caribbean in the following cases: Dominican Republic (1965), Grenada (1983), Nicaragua (1984), Panama (1989) and Haiti (2004). Now it is planning a military aggression against Venezuela. Historical facts show that the Inter-American Treaty of Reciprocal Assistance has failed to maintain peace in the region and has proven useless in preventing the acts of military aggression of the United States of America.

How can the historically most aggressive country in the entire region call Venezuela a threat? How can the Government of the United States of America apply a policy of economic terrorism against Venezuela, with illegal unilateral coercive measures, yet say that Venezuela is a threat? How can Venezuela be called a threat, when it is the President of the United States of America who is making direct and repeated threats to intervene militarily and impose a naval blockade?

There being no legal basis for aggression against Venezuela, we must note that the facts of the situation do not justify action as serious as the use of military force. The Charter of the United Nations sets out two ways in which military force may be used against another State: namely, with the authorization of the Security Council (Art. 42); and by invoking the right of self-defence (Art. 51).

Self-defence is an inherent right justified only in the event of armed attack (Art. 51 of the Charter) or an act of aggression as defined in General Assembly resolution 3314 (XXIX) (of 14 December 1974). Neither of these conditions exists in Venezuela, or the region. The notion of self-defence cannot be dragged out to muddle the subjective assessment of supposed potential or latent threats that have no basis in reality.

Absent aggression, the use of armed force constitutes an illegal act of war that gives powerful States the capacity to arbitrarily leverage their military advantages to further their interests at the expense of international peace and security. Article 51 of the Charter establishes the conditions for the application of the principle of self-defence without affecting the authority and responsibility of the Security Council to “take at any time such action as it deems necessary in order to maintain or restore international peace and security”. Therefore, States invoking the Inter-American Treaty of Reciprocal Assistance must show the Security Council evidence of armed

attack or aggression to enable it to exercise its authority in a timely manner to prevent the perpetration of an act characteristic of the disastrous doctrine of “preventive war” that has led to so many catastrophic consequences in recent history.

Besides not posing a regional threat, since its independence, two centuries ago, the Bolivarian Republic of Venezuela has never been in an international war nor has it engaged in what could be considered aggression against another country. Consequently, attempts to use the right to self-defence, under the cover of false threats, to justify aggression against Venezuela are unacceptable.

The Bolivarian Republic of Venezuela has shown itself to be a lover and guarantor of peace. Therefore, we are warning against the aggression being planned, in violation of the Charter of the United Nations and to the detriment of the powers and responsibilities of the Security Council. For this reason, we call on the Security Council to affirm its authority in the case of the illegal manipulation of the Inter-American Treaty of Reciprocal Assistance as an excuse to use force against Venezuela, when our country is not even a party to that treaty.

In the absence of any real justification for armed aggression, we also call for action to prevent bellicose rhetoric from being used to justify the illegal application of the preventive war doctrine against Venezuela. Venezuela has not carried out any aggressive act against any country in the region and therefore calls on the Security Council to acknowledge publicly that Venezuela poses no threat to international peace and security.

The Security Council can de-escalate disputes by promoting the use of the mechanisms for the pacific settlement of disputes set out in Chapter VI of the Charter, thereby demilitarizing relations among the countries of the Americas. Resolving disputes through military action only benefits the most powerful country in the continent, which historically has used force abusively against its neighbours.

Reaffirming the authority conferred on it by all States through the Charter, the Security Council can avert a catastrophe that would destroy the region for generations. The peoples of the Americas have a right to peace and it is our obligation to work to defend and protect that right.

I should be grateful if you would have the present letter and its annex circulated as a document of the Council.

*(Signed)* Samuel **Moncada**  
Ambassador, Permanent Representative of  
the Bolivarian Republic of Venezuela to the United Nations

**Annex to the letter dated 20 September 2019 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council**

[Original: English and Spanish]

CP/RES. 1137 (2245/19)

**CONVOCAZIONE OF THE MEETING OF THE ORGAN OF CONSULTATION OF THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE (TIAR)<sup>1,2,3,4</sup>**

**Adopted in accordance with Article 78 of the Rules of Procedure of the Permanent Council at its regular meeting of September 11, 2019)**

THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,

CONSIDERING that the Governments of Argentina, Brazil, Colombia, Guatemala, Haiti, Honduras, El Salvador, United States, Paraguay, Dominican Republic, and Venezuela, by Note CP/INF. 8369/19 dated September 9, 2019, requested the convocation of the Organ of Consultation of the Inter-American Treaty of Reciprocal Assistance (TIAR), in accordance with Article 78 of the Rules of Procedure of the Permanent Council;

RECALLING the provisions of resolutions AG/RES. 2929 (XLVIII-O/18) of June 5, 2018, CP/RES. 1117 (2200/19) of January 10, 2019, CP/RES. 1123 (2215/19) of March 27, 2019, CP/RES. 1124 (2217/19) of April 9, 2019, CP/RES. 1127 (2228/19) of May 13, 2019, AG/RES. 2944 (XLIX-O/19) of June 28, 2019, and CP/RES. 1133 (2244/19) of August 28, 2019;

CONSIDERING that in keeping with Article 6 of the Inter-American Treaty of Reciprocal Assistance (TIAR) the crisis in Venezuela has a destabilizing impact, posing a clear threat to peace and security in the Hemisphere; and

BEARING IN MIND the relevant provisions of the Inter-American Treaty of Reciprocal Assistance (TIAR) and of the Charter of the Organization of American States, RESOLVES:

1. To provisionally form the Organ of Consultation provided for under Article 12 of the Inter-American Treaty of Reciprocal Assistance (TIAR) and to convene the Meeting of Ministers of Foreign Affairs referred to in Article 11 of the Inter-American Treaty of Reciprocal Assistance (TIAR) for the second half of September 2019.

2. To inform the United Nations Security Council about the text of this resolution and about all activities related to this matter.

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<sup>1</sup> Consistent with the position adopted by the Government of Trinidad and Tobago, as conveyed to the General Secretariat of the Organization of American States by way of Note Verbale PM 25/2019...

<sup>2</sup> Costa Rica, consistent with its own values and principles as a country without an army, and with a longstanding tradition of pacifism and respect for international law, has expressed its commitment...

<sup>3</sup> The Eastern Republic of Uruguay would like to place its position on record, as it understands that this convocation of the meeting of the Organ of Consultation of the Inter-American Treaty of Reciprocal...

<sup>4</sup> Antigua and Barbuda informs all Member States that it is not a party to the Inter American Treaty of Reciprocal Assistance, and was, therefore, prohibited from voting on the resolution even though,...

## FOOTNOTES

<sup>1</sup> ... dated April 23, 2019 from the Permanent Mission of Antigua and Barbuda on behalf of several member states including Trinidad and Tobago, and reiterated at the 49th Regular Session of the OAS General Assembly on June 28, 2019, in the footnote submitted to the Resolution “The Situation of Venezuela and the Venezuelan Migration Crisis”, the Government of Trinidad and Tobago, in the context of its status as a ratifying member state of the Inter-American Treaty of Reciprocal Assistance (TIAR/Rio Treaty), reaffirms that it reserves the right not to be bound by this Resolution, adopted in accordance with Article 78 of the Rules of Procedure of the Permanent Council of the OAS, involving the participation of the representative of the Venezuelan National Assembly, purportedly seated as the Permanent Representative of the Bolivarian Republic of Venezuela.

<sup>2</sup> ... through its participation in a variety of multilateral forums and groups, such as the Lima Group and the International Contact Group – to the rule of law, democracy, and respect for human rights being restored in Venezuela through dialogue and democratic means. This means that it is important for Costa Rica, as a state party to the Inter-American Treaty of Reciprocal Assistance, for the decisions to seek to find a real solution to the crisis and, above all, for them not be detrimental to the Venezuelan people. Costa Rica is of the view that discussing measures against the backdrop of Article 8 of the TIAR should contribute to the peaceful restoration of democracy in Venezuela and exclude those involving the use of armed force.

<sup>3</sup> ... Assistance (TIAR) contains procedural and substantive problems. Venezuela abandoned the Inter-American Treaty of Reciprocal Assistance in 2013. Given that Uruguay does not recognize people appointed by the President of that country’s National Assembly as representatives of Venezuela to the OAS, the convocation of the Organ of Consultation of TIAR is, in this case, considered to be lacking in legal validity. Reinstatement, or a new ratification, is only valid if done by the government of the country doing it. Therefore, despite the fact that the OAS General Secretariat had agreed to receive the aforementioned instrument from representatives of the President of the Venezuelan National Assembly, Uruguay considers that document to be legally invalid. Besides the procedural obstacles, substantive questions arise since the current situation features none of the factors that could support the convocation, according to the text of the Treaty.

The express purpose of the TIAR is to ensure peace and provide reciprocal assistance to deal with armed attacks and ward off threats of aggression against any American State. The Treaty was not designed to jointly deal with internal political conflicts or internal threats to any particular American state’s national security.

Invoking Article 6 of the TIAR sets a dangerous precedent in terms of the broad array of things that can be invoked to activate the Treaty, insofar as its overly lax content paves the way for armed intervention in one country of the region by another country or by other countries of the region and this clearly runs contrary to the spirit of the text, which was intended to defend the Americas from external aggressions and not to enable internal aggressions.

Convening this Organ indeed gives rise to a perception that the threat or use of force would be used to deal with internal political conflicts.

Uruguay therefore does not support the convening of the Organ of Consultation of the TIAR nor will it support any initiative aimed at invoking the TIAR at this juncture. Furthermore, based on the aforesaid reasons and merits, the Eastern Republic of Uruguay does not recognize this resolution as legally valid and, hence, does not consider itself bound by its provisions.

<sup>4</sup> ... paradoxically, it was submitted to, and discussed by, the Permanent Council of the OAS of which Antigua and Barbuda is a member. The resolution claims that “*the crisis in Venezuela has a destabilizing impact, posing a clear threat to peace and security in the Hemisphere...*” Antigua and Barbuda notes that no supporting evidence has been offered by the proponents of the resolution to justify this claim.

With alarm, Antigua and Barbuda also notes that, in the course of the deliberations held in the Permanent Council, the proponents of the resolution rejected an amendment from a signatory State to the Treaty which proposed that any ‘measures’, adopted by a Meeting of Minister of Foreign Affairs, would “exclude the use of armed force”. Therefore, Antigua and Barbuda is compelled to conclude that the use of armed force is contemplated by the proponents of the resolution – a clear violation of Articles 2, 19 and 21 of the Charter of the

Organization of American States. In this context, Antigua and Barbuda rejects the resolution and condemns its purposes.

Further, Antigua and Barbuda considers that the Government of Venezuela, having denounced the Charter of the OAS, is without rights and duties and unattached from all actions and decisions of the OAS. Antigua and Barbuda did not support resolution CP/RES 1124 (2217/19) of April 9, 2019 which sought to appoint Mr. Gustavo Tarre as the National Assembly's Representative to the OAS and did not accept the credentials of the officials intending to represent the Bolivarian Republic of Venezuela at the 49th Regular Session of the General Assembly. Therefore, Antigua and Barbuda does not consider itself bound by any declaration or resolution of the Permanent Council that includes the participation of any person or entity purporting to speak for or act on behalf of the Bolivarian Republic of Venezuela.

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