**MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS** 

THIRTIETH MEETING OF CONSULTATION OEA/Ser.F/II.30

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RESOLUTION OF THE THIRTIETH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS, ACTING AS THE CONSULTATIVE ORGAN IN APPLICATION OF THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE (TIAR)[[1]](#footnote-1)/ [[2]](#footnote-2)/

(Approved at the plenary meeting held on September 23, 2019)

 THE THIRTIETH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS ACTING AS THE ORGAN OF CONSULTATION IN APPLICATION OF THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE (TIAR),

 CONSIDERING the provisions of the Inter-American Treaty of Reciprocal Assistance and Resolution CP/RES. 1137 (2245/19);

 RECALLING the provisions of Resolutions AG/RES. 2929 of June 5, 2018, CP/RES. 1117 of January 10, 2019, CP/RES. 1123 of March 27, 2019, CP/RES. 1124 of April 9, 2019, CP/RES. 1127 of May 13, 2019, AG/RES. 2944 of June 28, 2019, and CP/RES. 1133 of August 28, 2019;

 BEARING IN MIND the participation of authorities and entities linked to the regime of Nicolas Maduro in illegal activities, in particular drug trafficking, money laundering, terrorism and its financing, corruption, and human rights violations;

 STRESSING, with great concern, that the Venezuelan territory has, with the complacency of the illegitimate regime, become a refuge of terrorist organizations and illegal armed groups, such as the National Liberation Army, Residual Organized Armed Groups, and others, which threaten the security of the continent, in violation of the obligations established in Resolution 1373 of 2001 of the United Nations Security Council;

 Noting with concern the July 2019 report by the United Nations High Commissioner for Human Rights, which listed serious, systematic violations of human rights, including arbitrary detention, torture, gender-based violence, excessive use of force during demonstrations, and extrajudicial killings;

 TAKING INTO ACCOUNT that all of these criminal activities, associated with the humanitarian crisis generated by the deterioration of the political, economic and social situation in the Bolivarian Republic of Venezuela, represent a threat to the maintenance of the peace and security of the continent, under the terms of Article 6 of the Inter-American Treaty of Reciprocal Assistance;

 RENEWING the principles of Inter-American cooperation and solidarity as the foundation of the Inter-American System, especially taking into consideration the suffering of the Venezuelan people; and

 TAKING NOTE of the provisions of Articles 8 and 20 of the TIAR,

RESOLVE:

1. To identify or designate persons and entities associated with the Nicolás Maduro regime involved in illegal activities of money laundering, illegal drug trafficking, terrorism and its financing, and linked to transnational organized crime networks, in order to use all available means to investigate, prosecute, capture, extradite and punish the responsible parties and to freeze their assets located in the territories of the TIAR States Parties, in accordance with national legal systems.
2. To identify and designate persons who serve or have served as senior officials of the Nicolas Maduro regime and who have participated in acts of corruption or serious human rights violations, in order to use all available means to investigate, prosecute, capture, extradite and punish the responsible parties and to provide for the freezing of their assets located in the territories of the States Parties to the TIAR, in accordance with national legal systems.
3. To instruct the financial intelligence units of the States Parties to the TIAR, in accordance with their fields of competence and using existing mechanisms, to prepare a consolidated list of persons linked to the Nicolas Maduro regime, as identified or designated in accordance with paragraphs 1 and 2 of this resolution.
4. To create an operational network, composed of financial intelligence and public security authorities and other competent authorities of the States Parties to the TIAR, for the purpose of stepping up legal, judicial and police cooperation to investigate events of money laundering, illegal drug trafficking, terrorism and its financing, and transnational organized crime practiced by individuals and entities linked to the illegitimate regime of Nicolás Maduro.
5. To instruct the Permanent Representatives to the Organization of American States of the States Parties to the TIAR to monitor the situation in the Bolivarian Republic of Venezuela and its impact on the region in order to evaluate possible recommendations, within the framework of Article 8 of the TIAR, for which purpose they may set up one or more ad hoc committees. These recommendations will be presented to the Organ of Consultation of the Foreign Ministers at their next session.
6. To keep open the Thirtieth Meeting of Consultation of Ministers of Foreign Affairs, acting as the Organ of Consultation of the TIAR, and to hold a new session within two months.
7. To request the General Secretariat of the Organization of American States to transmit the content of this Resolution to the United Nations Security Council.

FOOTNOTE

 1. … contains procedural and substantive problems.

Venezuela denounced 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. Accordingly, even though 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 and, thus, its deposit is equally invalid.

Besides the procedural obstacles, there are questions about the substance. Uruguay holds the view that the current situation features none of the factors that could support the convocation, according to the language 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 paves the way for armed intervention in one country of the region by another country or other countries of the region, and this clearly runs contrary to the spirit and letter of the article, which was intended to defend the Americas from external aggressions and not to enable internal aggressions.

Uruguay therefore does not support the convening of the Organ of Consultation of the TIAR nor will it support any initiative aimed at invoking of the TIAR at this juncture.

Finally, as stated on a number of occasions, Uruguay will not recognize as legally valid any resolution that may arise from this Convocation and therefore does not consider itself bound by its provisions.

2. … 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 any decision adopted in this Resolution by the Thirtieth Meeting of Consultation of Ministers of Foreign Affairs, acting as the Consultative Organ in Application of the Inter-American Treaty of Reciprocal Assistance, which involves the participation of the representative of the Venezuelan National Assembly, purportedly seated as the Permanent Representative of the Bolivarian Republic of Venezuela, nor, to recognize this Resolution as legally valid, or to consider itself bound by the provisions approved on September 23, 2019.

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1. . The Eastern Republic of Uruguay would like to place on record that this convocation of the meeting of the Organ of Consultation of the Inter-American Treaty of Reciprocal Assistance (TIAR)… [↑](#footnote-ref-1)
2. . 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... [↑](#footnote-ref-2)