

REPUBLIC OF ECUADOR

MISSION OF ECUADOR TO THE
ORGANIZATION OF AMERICAN STATES

Ministry of Foreign Affairs,
Trade and Integration

Note Verbale No. 4 -2 -53 / 2014

The Permanent Mission of Ecuador to the Organization of American States – OAS – presents its compliments to the General Secretariat of the Organization of American States and wishes to remit the original of the notification of the denunciation of the Inter-American Treaty of Reciprocal Assistance (Rio Treaty), Communication No.004/GM/CGJ/2014, of February 5, 2014, signed by the Minister of Foreign Affairs and Human Mobility, Mr. Ricardo Patiño Aroca.

The delivery of the original of this Communication marks the beginning of the period established in Article 25 of the aforementioned international instrument for the Inter-American Treaty of Reciprocal Assistance (Rio Treaty) to cease to be in effect with respect to the Republic of Ecuador.

The Permanent Mission of Ecuador to the Organization of American States – OAS avails itself of this opportunity to convey to the General Secretariat of the Organization of American States renewed assurances of its highest consideration.

Washington, D.C., February 19, 2014

To the Honorable
General Secretariat of the
Organization of American States – OAS
Washington, D.C.

REPUBLIC OF ECUADOR

Ministry of Foreign Affairs
and Human Mobility

No. 004/GM/CGJ/2014
Quito, D.M., February 5, 2014

Excellency:

I have the honor to address Your Excellency and to convey to you that His Excellency, the President of the Republic, Rafael Correa Delgado, has decided, in the exercise of his constitutional powers and bearing in mind the new context of international relations, to denounce the Inter-American Treaty of Reciprocal Assistance (Rio Treaty), signed by Ecuador on November 10, 1949 and ratified on October 30, 1950.

The Government of Ecuador bases this decision on the fact that the political, material, and historical circumstances that led to the signing of this inter-American instrument have been overcome following the end of the Cold War. In this new context, we developing and emerging countries have embarked on a process of emancipation from the hegemonic, colonial, and neo-colonial powers that strive in vain to maintain that role in the world by breaking with their anachronistic mechanisms of domination.

The Inter-American Treaty of Reciprocal Assistance (Rio Treaty) constitutes an instrument promoted by the United States of America to confront alleged attacks on the peace and security of the region and against the sovereignty and political independence of the American states caused by interventions of powers outside the Hemisphere, particularly the Communist Bloc in Eastern Europe and Asia. Using that as a basis, successive U.S. governments consistently invoked this Treaty to justify interventionism and the use of force against countries and governments in the Americas whose populist, socialist, or nationalist policies were detrimental to their political and economic interests and the hegemony they exercised in the region.

As a result of the surreptitious motives underlying it and which guided its implementation, the Inter-American Treaty of Reciprocal Assistance (Rio Treaty) has had a shameful history of political manipulation, distorting the principle of collective security enshrined in the United Nations Charter by being invoked to legitimize military interventions by the United States and serve as an alibi for curtailing the legitimate right to self-determination of the peoples of, for example, Guatemala (1954), Cuba (1962), and the Dominican Republic (1965).

The real political nature of this Treaty became fully apparent in 1982, when the Government of the Argentina Republic was unable to invoke it against the aggression of an extra-regional colonial power, which, ever since 1832, has been violating Argentine

sovereignty over the Malvinas, South Georgia and South Sandwich Islands. On that occasion, the U.S. Government not only deployed all its political and diplomatic machinery to lobby and withhold American support for the Argentine request to convene the inter-American collective defense mechanism; it went further and provided logistical and intelligence support to the Armed Forces of the aggressor in its military operations against one of the States parties to the Treaty. From that incident on, the Inter-American Treaty of Reciprocal Assistance (Rio Treaty) definitively lost its legitimacy and effectiveness and began a long period of lethargy that persists to this day, despite efforts by the United States to revitalize it following the events of September 11, 2001.

Given that situation, Ecuador and the other countries in South America have been working on the development of new security cooperation mechanisms, in a bid to recover the true meaning of the principle of collective security, from a modern, mutually supportive and cooperative stance that respects the sovereignty and legal equality of States and international law. Thus, within the framework of the Union of South American Nations (UNASUR), we member states established the South American Defense Council to discuss and coordinate security and defense policies. Within that body, we have designed and executed work plans on academic, technological, and operational aspects of military cooperation, aimed at enhancing mutual trust, achieving a common defense policy, and building a collective response mechanism to handle any military attack on a member state.

In light of the above arguments, the Government of Ecuador wishes to formalize its withdrawal from the aforementioned inter-American Treaty. Consequently, I would be grateful if, as Secretary General, Your Excellency would regard this communication as the notification of denunciation of the Inter-American Treaty of Reciprocal Assistance (Rio Treaty) required under Article 25 of said instrument, so that it ceases to be in effect with respect to the Republic of Ecuador at the end of the period stipulated in that article.

I avail myself of this opportunity to convey to Your Excellency renewed assurances of my highest consideration.

Ricardo Patiño Aroca
MINISTER OF FOREIGN AFFAIRS
AND HUMAN MOBILITY

To His Excellency
José Miguel Insulza
SECRETARY GENERAL OF THE
ORGANIZATION OF AMERICAN STATES,
WASHINGTON, D.C.

RAFAEL CORREA DELGADO

CONSTITUTIONAL PRESIDENT OF THE REPUBLIC

WHEREAS:

The *Inter-American Treaty of Reciprocal Assistance* was signed by the Republic of Ecuador on November 10, 1949;

At the forty-second regular session of the General Assembly of the Organization of American States, held in Cochabamba, Bolivia, in June 2012, Ecuador states that it would proceed to formally denounce the aforementioned international instrument, because it was ineffective;

Pursuant to Article 109 of the Organic Law of Jurisdictional Guarantees and Constitutional Oversight, the Secretary General for Juridical Affairs of the Office of the President of the Republic remitted to the Constitutional Court, through Official Letter No. T. 6605-SNJ-12-1373 of November 28, 2012, the denunciation of the aforementioned Treaty, for it to decide whether said denunciation required legislative approval;

Based on the above, in a special session, the Constitutional Court resolved, through Opinion No. 029-13-DTI-CC of October 23, 2013, that the above-mentioned *Inter-American Treaty of Reciprocal Assistance* required legislative approval and declared that Denunciation of the Treaty does not affect, diminish, or impair the constitutional rights of persons;

Pursuant to Article 419 of the Constitution of the Republic, the Constitutional President of the Republic asked the National Assembly, in Official Letter No. T. 6601-SGJ-13-1002 of November 11, 2013, to denounce the aforementioned Treaty;

The Plenary of the National Assembly resolved, on January 21, 2014, to approve denunciation of the *Inter-American Treaty of Reciprocal Assistance*; and

Exercising the power conferred upon him by Article 147.10 of the Constitution of the Republic,

DECREES:

Article 1.- To denounce, in all its articles, the *Inter-American Treaty of Reciprocal Assistance*, signed by the Republic of Ecuador on November 10, 1949.

Article 2.- Let the Ministry of Foreign Affairs and Human Mobility be notified of this denunciation for the purposes of Article 25 of the Treaty.

Final provision.- This Decree shall enter into force as of today's date without prejudice to its publication in the Official Record and let the implementation thereof be entrusted to the Minister of Foreign Affairs and Human Mobility.

DONE at the Government Palace in Quito on February 4, 2014.

Rafael Correa Delgado
CONSTITUTIONAL PRESIDENT OF THE REPUBLIC